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THE

AMERICAN REGISTER;

OR

SUMMARY REVIEW

OF

HISTORY, POLITICS, AND LITERATURE.

VOLUME II.

Robt Walsh Jr Ed.

Σπάρταν ἔλαχες, ταύταν κόσμει.

PHILADELPHIA:

PUBLISHED BY THOMAS DOBSON AND SON, AT THE STONE-HOUSE,
No. 41, SOUTH SECOND STREET.

W. Fry, Printer.

1817.

District of Pennsylvania, to wit:

SEAL.

BE IT REMEMBERED, that on the sixth day of August, in the forty-second year of the independence of the United States of America, A. D. 1817, Thomas Dobson and Son, of the said district, have deposited in this office the title of a book, the right whereof they claim as Proprietors, in the words following, to wit:

"The American Register; or Summary Review of History, Politics, and Literature, Vol II. Σπάρταν ἔλαχες, ταύταν κόσμει"

In conformity to the act of the Congress of the United States, entituled, "An act for the encouragement of learnin , by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned." And also to the act, entitled, "An act supplementary to an act, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

D. CALDWELL,
Clerk of the District of Pennsylvania.

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CORRIGENDA IN THE INTRODUCTION.

Page xxi. Read "recourse to Parliament" for—reference to Parliament.

xxiv. Strike out the word "national," third line from the bottom.

xxvii. For "*popular feeling*" read popular opinion.

xxx. For "*rehearsed*" read renewed—Also: for "*start up into*" read start up *as*, &c.

xxxiv. Read *sufficiently expert*, for sufficiently perspicuous.

For "*a couple of stout octavos*" read a *stout octavo*.

ERRATA.

Page 2, first line, strike out "*particular*."

Page 21, eighteenth line from bottom, strike out "*now*."

Page 53, twelfth line from top, strike out "*for*."

Page 269, read *Catalani*, for Catalini.

Page 288, read *Blagden*, for Blagdon.

INTRODUCTION

BY THE EDITOR.

IN the introduction to the first volume of this work, I stated my design of proceeding, in the second, with the history of French Affairs, and treating at large of American and English Literature. I have ventured, however, to depart from my alleged purpose; in order to make place for two articles of American History, which, on several accounts, appeared to me to deserve the preference, on the present occasion, to any other matter. It is by no means my intention to withhold altogether, what I have collected respecting the management of affairs in Paris, during the campaign of 1815, and the conduct of Bonaparte from the period of his defeat at Waterloo, to that of his departure for St. Helena.

I am the more desirous of laying his genuine history for this interval before the American public, as two works of a recent date, which exhibit him in a totally false light, have a wide circulation, and, I fear, considerable weight, in this country. I allude to the Letters of Dr. Warden, and to the "Manuscript transmitted from St. Helena." The last is a palpable but very ingenious forgery: as an apology for the hero, it is contrived with great skill, and is as well fitted to produce the meditated effect, as any thing of the kind which could have been devised. The book, like that of Warden, is of the proper, vendible size, and falls under that description of politics so much favoured, which may be termed portable; it wears a plausible air of candour, and the form of the narrative, by its rapidity and conciseness, tallies well with the style of expression generally attributed to the putative author.

The strong curiosity still subsisting with respect to the deportment of the man in his altered fortunes, and his opinions of the past, is sufficient to explain the avidity with which the Letters of Warden have been read, and has given them an importance to which they have no intrinsic claim whatever. Whether Dr. Warden was really the writer of these Letters, or, as has been positively asserted in the English Gazettes, some one of the artificers of Grub-street, is quite immaterial. No person versed in the French can fail to discover, that the author is ignorant of that tongue; and he himself admits that his hero

could not even read the English currently. The long, measured, argumentative speeches put into the mouth of Bonaparte, must have been woven from scraps of information collaterally received. They are irreconcileable with his well known manner, and moreover, obviously not of a nature to have been thus rendered, extempore, by an interpreter.

Dr. Warden furnishes, throughout his book, abundant proof that he was unacquainted not only with the French language, but with the most common history of the time, and the sciences subsidiary to his own profession. This circumstance, together with like evidence supplied by the inanity of his share of the pretended colloquies, makes it highly improbable that the ex-emperor or his attendants, would have singled him out for the rich favours of their conversation and confidence, but from some oblique design, or an inclination to sport with his fatuity.

We may easily suppose that he was the mere dupe of so shrewd an observer as *Las Cases*, or of the other paragons of loyalty, who had all an interest in patching the reputation of their master, and spreading it, with the most seductive gloss, before the world. Again; there are reasons, some deducible from the text itself of the book, which would warrant us in suspecting him of a direct collusion with them for the purpose; or, on the other hand, we might surmise that he projected a saleable duodecimo from the outset of the voyage, and noted accordingly for use the ready talk of the quarter-deck, unquestioned indeed, though not unsuspected as to his object, by the crafty exiles.

Admitting the conversations reported by Warden to be authentic, neither the statements they contain, nor those given in the "Manuscript transmitted from St. Helena," amount to more than the allegations of the party accused. If mankind had been, at all times, so credulous as to be satisfied with a vindication of this sort, in opposition even to the evidence of their own observation and sufferings, we should not, perhaps, be able to find a single malefactor in the list of those who have ruled nations, or headed banditti. Fortunately for the truth and morality of history, the career of Bonaparte has been so comprehensive in its notoriety and influence, and his real nature has so constantly betrayed itself in the most striking emergencies, that all his own efforts or those of his panegyrists, whether deluded or designing, to justify him and his plans at the tribunal of posterity, must prove fruitless, with any common industry on the part of cotemporary annalists.

If there remained among reflecting men, a hope of his being reclaimed, in his adversity, from the habit of audacious imposture, it would be dissipated by the letter of Count Montholon which we have lately read in the newspapers, and which

is acknowledged to have been written under his dictation. The nature of the refutation submitted to the British parliament, places the real author of this tissue of puerile falsehoods in a light that must drive to despair even the most determined champions of his magnanimity. It is left to his friends to descant upon his great abilities, for which I can never hesitate to give him full credit; while, however, I would have them and the world bear in mind the following reflection of the historian Hume—" An army is so forcible, and at the same time, so coarse a weapon, that any hand which wields it, may, without dexterity, perform any operation and attain any ascendant in human society."

The two pieces of American History to which I have alluded above are of a very engaging tenor. The first and most important is " The History of the Conspiracy of Arnold." This conspiracy is an event of the utmost consequence in our struggle for independence, but has not been related by our own historians, with the proper minuteness and emphasis. Very soon after it happened, a circumstantial narrative of the whole affair, including the execution of André, appeared in the newspapers of the time, in the shape of a letter from an officer of the American army, (General Hamilton,) who had means of obtaining accurate information. This account is altogether a most eloquent and interesting performance. As an historical document, it well deserves to be drawn from the present obscurity of the journals in which it was first conveyed to the public. Chief Justice Marshall has made an extract from it in his Life of Washington; but I do not find that it has been cited by our other historians, or that a place has been assigned to it,—as ought to have been the case,—in the appendix to any one of their works.

The History which I have translated from the French, and inserted in the present volume, has, however, yet stronger claims to attention and preservation. It is the production of Count *Barbé Marbois*, a peer of France, who now presides over a most important department of her fiscal concerns, and whose writings, particularly on subjects of political economy, have acquired for him at home a considerable literary reputation. The French critics seem to delight in bearing testimony to his moral qualities: M. de Pradt speaking, in his late book on Colonies, of this History of the Conspiracy of Arnold, remarks, that " it is a work in which the author, in pourtraying those virtues and talents which distinguished the founders and first worthies of the American republic, has pourtrayed his own, and described a character which appears to belong to ancient times."

M. de Marbois was secretary of the French legation in the United States at the epoch of the conspiracy, and in habits of

close intimacy with the guiding minds of our revolution. It is to him Mr. Jefferson refers when he says, in the advertisement to his valuable notes on Virginia, that they were written in answer to certain queries proposed by a distinguished foreigner. In the course of the French Revolution, M. de Marbois visited the United States a second time, and renewed his acquaintance with our institutions and annals.

The Conspiracy of Arnold seems to have attracted, from the moment of its detection, his particular attention. His official situation and his connexions enabled him to procure the most authentic and ample materials for the history of the transaction. At what time he began with this so evidently a favourite and laboured task, does not appear. But it cannot escape the sagacity of his readers that his work has been, if not recast, at least retouched, since the great revolution of March, 1814, and seasoned with allusions to the state of things in France under the revived monarchy.

The Preliminary Discourse on the United States bears date in June, 1815. No American can peruse it, without a glow of satisfaction and gratitude. If we are decked in colours somewhat the brighter perhaps, on account of the lessons which the author wished to give his own country and Europe, it is still obvious, that it is not the effect of admonitory contrast which he studies alone or principally; but that he is actuated in his representations by a spirit of justice and enlightened affection. It is delightful to be thus exhibited in the face of the prejudiced world, of the scoffers, and defamers, and bigots of the European school of civilization, by one whose high rank among themselves, whose character of an eye-witness that had examined at leisure and from every point of view, what he describes, and whose taste and ability manifested in his work itself, give irresistible force to his testimony.

In the particulars which he has quoted as detracting from the advantages of our situation, he has described things as they *were*.—The Yellow Fever has disappeared. The endemic diseases of a new country cease to be formidable as it changes its face under the progress of population and the arts; our climate has become not only more salubrious, but more temperate, probably from the same cause: The settler on the Western frontier has little to fear from the attacks of savages: The Southern states to which our author refers, are less infested with the evil of domestic slavery, and may cherish the hope of being, at no distant day, so far relieved at least, as to be for ever secure from that dreadful vicissitude which he seems to apprehend. He has himself furnished a satisfactory answer to the doubts, which a supposed diversity of interests and views between the states, has awakened concerning the duration of our union. Were he now resident here,

we should have his great authority in support of the assertion, that the idea of any fatal or very serious contrariety of interests is exploded among us, since reflection and experience have made us better acquainted with the true mutual relations of the states. The aspect of this adolescent empire varies at each moment: new and important features and faculties are almost hourly developed in the process of a growth quick, vigorous, and multifarious beyond all example: The speculative politician finds incessantly matter for fresh calculations and predictions: The horoscope of yesterday would not serve for to-day, except in two points—the continuance of the union, and the perpetuity of *free institutions*. Of what is thus prolifically and rapidly evolved something may be of a tendency adverse to the Union; but a friendly and discriminating observer like M. de Marbois could not fail to perceive and acknowledge, that there is more of good than evil portent to this experiment so important for the interests of mankind.

The balance is still greater in favour of the perpetuity of free government in some shape or other among the members of the Confederacy. I could myself maintain this proposition by solid, and, I think, convincing reasons, but I prefer quoting what I find said on the subject, in the *Mercure de France*, by the eminent French writer who has reviewed, in that excellent journal, the "Conspiracy of Arnold." Let this philosophical stranger speak for us:—

"The experience of past ages, the recollection of human re-
"volutions, excites some disquietude in relation to the fu-
"ture destinies of the United States. The usual consequences
"are apprehended from the movements of private ambition, the
"inequality of fortunes, the love of conquest, &c.—I believe,
"that, under the peculiar circumstances in which the United
"States are placed, the past cannot serve as a criterion for the
"future. It is true, that free nations have been lost in despo-
"tism; but—had those nations a precise idea of their rights
"and duties? Were they acquainted with the tutelary institu-
"tions of this day—the independence of the judiciary—the
"trial by jury—the system of representative assemblies and
"self-taxation—the force of public opinion now superior to all
"opposition? Among the ancients, liberty was but a feeling; in
"our times it is both a feeling and a *positive science*. We all
"know how liberty is lost; we are all acquainted with the
"means of defending and preserving it. The United States
"have now been happy and free for nearly half a century.
"Liberty has struck deep root in that country. It is entwined,
"there, with the first affections of the heart; it enters into the
"earliest combinations of thought; it is spun into the primitive
"staple of the mental frame of the Americans; it is wrought
"into the very stamina of all their institutions, political and

" social; it thoroughly pervades and perceptibly modifies even " their domestic life; it is protected by religion and the laws; it " is linked with every habit, opinion, and interest; it has, in fine, " become the common reason and the want of all the American " people. Propose slavery to such a people—talk to them of " *unity* in the head, multiply your sophisms as you please to " prove to them the *paternity* of arbitrary power, they will never " understand you. We must not suppose that the love of con- " quest, that fatal passion, will master, or lead astray the coun- " cils of a nation, which, setting out from a line of nearly fifteen " hundred leagues of coast, may spread the noble and hallowed " empire of industry and the arts, from the shores of the North- " ern Ocean to those of the Pacific."

To this just and forcible exposition, I have no desire to add any thing of my own; but, with a view to show how little reliance is to be placed on sinister predictions coming from abroad* relative to the fate of our Union and free institutions, I cannot refrain from going back to some of those which were made to us during our Revolutionary war. I would have the American reader compare with our happy experience, the following passage of an Address of the British Opposition of 1777, to the Colonists in North America, written by Mr. Burke, more justly famed for political foresight, more zealous in our cause, and supposed to be better acquainted with our character and situation, than any other English statesman.

" That very liberty which you prize above all things, " originated here, in England; and it may be very doubtful " whether, without being constantly fed from the original foun- " tain, it can be at all perpetuated or preserved in its native " purity and perfection. None but England can communicate to " you the benefits of a free constitution. We apprehend that you " are not now, nor for ages are likely to be, capable of that " form of constitution (a limited monarchy) in an independent " state. Besides, let us suggest to your apprehensions, that your " present union cannot always subsist without the authority and " weight of this great and long respected body, to equipoise, " and to preserve you among yourselves in a just and fair equa- " lity. It may not even be impossible that a long course of war

* See the Abbé de Pradt's work on Colonies, ch. xxx. title " *What will be the fate of the United States?*" The speculations of the author on this head are idle and fanciful, as he is without the knowledge of details necessary for the construction of a sound theory. Almost every page of his work abounds with errors, particularly of fact; and it is evident throughout, that he is pretty indifferent about accuracy of any sort, or even the confirmation of his theories, provided they are bought, read and admired.

"with the administration of this country, may be but a prelude "to a series of wars and contentions among yourselves, &c."

It must be confessed that our conduct in relation to the successful candidates for public office, and the laws regularly enacted among us, has not been always such as M. de Marbois describes it in his Preliminary Discourse. We have not always treated the former with marks of veneration, or obeyed the latter without a murmur. But our most censurable lapses from this rule of republican reason,—too nice, perhaps, for human nature,—are to be traced to excitements from abroad which can never be again felt, at least in any thing like the same degree or spirit. We were kindled into a ferment and betrayed into excesses not natural to our character, or imputable to our institutions. The war in which we engaged had, from the same and other causes, an anomalous nature and influence: it was more inflammatory for our passions, and trying for our Union, than any in which we can be hereafter involved.

The French Revolution, the subsequent elaborate action upon us of the governments of France and England, and the late war, have, I conceive, reached and put to the test the vulnerable parts of our political system and social character; they plunged us into a premature struggle with all our infirmities, more than is likely will ever again co-exist; they roused into the utmost possible activity all the unruly passions of our democracy, and the anti-federal principles upon which our foreign assailants calculated. We know the happy result, and may draw confidence from it for the future.

In proof of our natural moderation, and aptitude to realize the picture which M. de Marbois gives of our patriotic ductility, we may cite what is now passing under our eyes, in the tour of the new President of the United States. I should rejoice in this laudable undertaking, if it had no other feature of usefulness, than its tendency to convince foreign nations with what cheerfulness and ease, we rally to the standard of a national feeling when left to ourselves. They may learn, by the reception of Mr. Munroe, wherever he has appeared, and particularly at Boston, how little stress they should lay upon the efficacy of the past, or any future party divisions among us, to promote the hostile designs which they may cherish. When M. de Marbois shall read the details with which our newspapers are filled on this subject, he will find, if he have attended to the history of our domestic feuds, the most complete and edifying verification of his statement, which could fall within the compass of his wishes as an author or a philanthropist.

The loftiest encomiums are passed upon this "History of the Conspiracy of Arnold," in all the French Journals of any authority. It is pronounced to be a *chef d'œuvre* in some, placed,

in others, on a level with St. Reals' *Conjuration de Vénise*, and universally applauded for the perfection of the literary execution. I have never wilfully forsaken the sense of the author, and have approached as near as possible to his modes of expression and the general character of his style. He must appear to disadvantage in any translation; and particularly in one, to which the time necessary for a correspondent refinement of diction, could not be allotted. I have omitted no part of the text, except a long letter from an emissary of Sir Henry Clinton, supposed to have been found among the papers of Arnold, and which contains an enumeration of the most plausible motives to defection from the American cause. I have not been able to discover elsewhere any trace of such a letter; and I wished to introduce none of the documents which purport to be versions from the English, otherwise than in the original dress. It has, moreover, no material connexion with the narrative, nor any great intrinsic interest. The interpolation into a professed history of speeches or letters—however apposite they may be in the tenor, or eloquent in the fabrication—although conformable to the practice of the ancients, is still a reprehensible license. It has found more indulgence upon the continent than in England.

The author has chosen to treat his subject as a conspiracy not only against the United States, but against General Washington; and has ascribed the design upon the person of the illustrious commander to Major André. We must presume, that he has sufficient authority for this imputation. It is a serious one; because, although the project might redound to the credit of André's intrepidity, it must detract from the so much emblazoned hardship of his fate. Our sympathies and regrets can no longer be the same. We must regard him not as the victim, but as even more than the accomplice of Arnold, and much of the dramatic effect of the finely wrought catastrophe of our author, is lost by the intrusion of this idea. Hamilton is silent in his Narrative, as to any plan for the capture of General Washington. It might, however, very naturally have engaged the attention of the conspirators. There is something on this point which deserves notice in the following extract from a private letter of Washington, of October 18th, 1780, quoted by Gordon, in the 3d Vol. of his History of the American Revolution. "In no instance since the commencement of the war, has "the interposition of Providence appeared more remarkably "conspicuous than in the rescue of the post and garrison of "West-Point. How far Arnold meant to involve me in the ca- "tastrophe of this place does not appear by any indubitable evi- "dence, and I am rather inclined to think he did not wish to "hazard the more important object, by attempting to com- "bine two events, the lesser of which might have marred the "greater."

There will be found at p. 148, of this volume of the Register, a sketch of the debate held in Congress in the month of January last, concerning the captors of André; and in p. 237, the complete vindication of these respectable men from the aspersions so unadvisedly cast upon them. For all who feel as I do on this subject, the controversy will give additional zest to that part of the work of M. de Marbois, in which he has occasion to introduce Paulding, Williams, and Van Wart. Relying on the public sense of the importance of the service, of the benefit of the example, of the beauty of the trait, of the deference due to the unanimous opinion of the Revolutionary Congress and army, M. de Marbois does not hesitate to assert, "that the families "of the captors of André are held in veneration, and that their "names will be celebrated and cherished in all after ages."

I trust that he is right, notwithstanding the ungracious and impolitic attempt of a member of the House of Representatives, to wrest from them their titles never before questioned, to the gratitude and respect of the nation. There was a prescription in their favour,—I might say in favour of the country, that reaped so much honour from their act,—which no American at least, should have allowed himself to disturb. If the world and ourselves had laboured under a delusion, it involved so just an exemplification of the character of the American yeoman, and so persuasive a moral for the humbler walks of life, it furnished so ornamental a page for the national annals, that it should not have been dispelled but upon some motive much higher than a small saving to the treasury.

Could General Washington and all those eminent personages who concurred with him in stamping *Vincit amor patriæ* upon the medal, have, with their opportunities of knowledge, mistaken the nature of the case? Or, would they have gone so far in the celebration and recompense, if they had entertained a suspicion akin with the suggestions hazarded in the late Congress? Would they have made so heavy a sacrifice of truth and justice to the policy of the moment, when they could have been so easily detected in the imposition and defeated in their end? As the captors of André *did* refuse his watch and purse, and secure his person, it could be no more than *conjecture* on his part, when he stated, that the result would have been different had he had more to give, or some guaranty to offer. And what weight can reasonably be attached to a conjecture of the sort, under such circumstances? The deplorable situation to which he saw himself reduced by their inflexibility, must have embittered his feelings towards them, and warped his judgment as to their dispositions. We ought instantly to reject the representations of a man tortured by the contrast which they had produced in his fortunes, and who, in all likelihood, shared largely at the same time, in the contempt and antipathy which were but too com-

monly entertained or affected by the British officers for the Americans in general. The national pride of André made it perhaps, incomprehensible to him, that three American husbandmen could be superior to all temptations of gain, in the discharge of a duty to their country.

Planta remarks, in his History of Switzerland, that William Tell had been more than once branded with the opprobrious appellation of conspirator and assassin. The glory of Tell shines out nevertheless, with undiminished lustre, and the Swiss continue to revere the memory of their rustic benefactor. Congress, I humbly conceive, should have welcomed the petition of John Paulding, for an increase of pension, and seized the opportunity to augment the annuities of his companions,—in testimony of its unshaken faith in the virtue of these men, and the unabated gratitude of the nation for the inestimable service they had rendered. This would have been acting even as to the pecuniary reward, in the sense of the Revolutionary Congress, which plainly indicated its wish to secure to them *a fixed value*, by the terms employed in the original resolution—" two hundred dollars in specie, or *an equivalent in the current money of the State.*" During the late war their allowance must have fallen far short of the intended compensation.

One feels, now a days, rather awkward in appealing to the heroic times, for precedents to influence governments; and it is, perhaps, idle to do so; but I cannot help recalling the conduct of the Athenian Republic towards Harmodius and Aristogiton, who, in delivering their country from one of the Pisistratidæ, performed an exploit of which the consequences—important as they were—cannot be compared, in price, with those of the frustration of Arnold's Conspiracy. The Athenians, although they knew that the two young citizens who dealt the first blow to the tyranny under which they groaned, were actuated primarily by resentment for a private affront, did not pause to investigate or appraise the motive, nor coldly limit their regard to the question of common duty: They considered only the advantages of the deed, the personal sacrifice of the actors, and the fecundity of the example. They erected statues to Harmodius and Aristogiton; they granted, in perpetuity, valuable privileges to their descendants; they decreed that their names should never be profaned by being given to slaves; that they should be forever celebrated at the Panathenæa, the principal festivals of the Republic; that songs should be composed and sung in their honour at the public games, and in the theatres, &c.

The readers of the Register, will not find any thing absolutely new in the extract from the Memoirs of Marshal Rochambeau, which, as I have intimated, occupies a space originally intended for other matter. But those who feel the proper concern in our

Revolutionary History, will be glad to see the narrative of the French commander merely as such, in an English dress. It was necessary to abridge it, and there is some dryness in the details: We have, however, what is most important, the simple and genuine exposition of this respectable foreigner's views of our situation and movements, and of his own, during the period of his efficacious co-operation with us in the war of our independence, as the leader of the French auxiliaries. We have the satisfaction, too, as in the case of M. de Marbois' work, of reading our panegyric in the pages of a European stranger of the most exalted rank and worth;—of being enabled to adduce another authority, still less to be suspected and equally imposing, in favour of the elevation and purity of our native character.

We will not regret being reminded of the obligations we owe to the French nation of 1779. I say *nation*, because the French government did not enter *heartily* into the cause of our Independence; and, indeed, this is more than could be expected in any government so constituted. It was compelled to recognize, and, in a certain degree, obeyed the public enthusiasm, after having long and nicely calculated, in that state of abstraction as to feeling which suits the deliberations of a cabinet, in most of the great questions of external policy. There is much light thrown on the subject in a work entitled "A History of French Diplomacy," which was published in Paris in 1811. The author, who was chief clerk at that period, in the Department of Foreign Affairs, has stated, from authentic sources, the calculations of interest which prompted the cabinet of Versailles to countenance our efforts, and the particular circumstances which put an end to its long irresolution about an open military concert. He has copied two autographical letters of Louis XVIth, to the King of Spain, one bearing date the 8th January, 1778, and the other 10th March, of the same year, which I have seen no where else, and in which the leading motives of the policy of the French cabinet, with respect to our struggle, are distinctly set forth.

Louis dwells particularly upon the apprehension of the success of Lord North's plan for a reconciliation between the mother country and the colonies; upon the urgent necessity of preventing this reconciliation, lest France should be assailed by their united forces; the alteration in the face of things, produced by the capture of Bourgoyne, and the position of Howe's army; upon the much that would be subducted from the power of England, by the dismemberment of her empire; and the advantage to result from this circumstance, to France and Spain, &c. The reply of Charles III. of the 22d March, shows that the Spanish government was by no means disposed or resolved at that moment to engage in the contest, though it so soon afterwards, stimu-

lated by its own private grievances, and overcome by the importunities of France, issued a declaration of war against England. The reluctance of Spain to lend her aid to those whom Louis styles in one of his letters, the colonial insurgents, was natural enough, and needs no commentary. She is now making to us, *mutatis mutandis*, the same complaints on the subject of the equipment of privateers in our ports, &c. which were preferred by the British, in their Manifesto of 1779, against the French government. And, if we recur to the wars of Spain with her subjects of the Netherlands, in the reign of Philip II. we shall find that the English government and nation then furnished her with still stronger grounds for complaints of the sort, which were urged as fruitlessly as they are likely to be in the present instance.

In none of the domestic official papers or confidential communications of the Court of Versailles, respecting the American war, is there a word said about the justice of our cause, or the influence of a generous sympathy. Every measure is referred to the reason of state. In 1782, when the Courts of Vienna and St. Petersburg proposed their mediation, France suggested in her reply, the idea of a *truce* of many years, in lieu of a definitive treaty between the United States and Great Britain, while she herself should sign a definitive peace. By this expedient the independence of the United States was to be secured in fact, and England to be spared the mortification of a formal recognition of that independence—*the work of France*, as the official memoir of M. de Vergennes modestly affirms. In the confidential report which this minister made to the French ambassador at the Court of Spain, concerning his interviews on the subject of peace, with Mr. Grenville, the private agent, whom the British Cabinet sent to Paris, in April, 1782, I find the following passage:—"Mr. Grenville said, that the Independence of Ame-"rica being the direct object of the war, and Great Britain "having determined to give entire satisfaction on this head, "there was no further controversy, or obstacle to peace."

"I did not, as you may imagine, let this *strange assertion* "pass without notice. The detail of facts furnished me with "irresistible means of demonstrating, *that the Independence of* "*America was but a very indirect cause of the war, that it would* "*not even have provoked it*, if the British Ministers then in of-"fice, had not seen with the eyes of pride, the declaration made "to them of our acknowledgment."

When I began to print the "Abstract of the principal Debates of the Fourteenth Congress," it was my intention to include all such as properly fall under this description. But those which I had placed first in order, occupied a space so considerable, that I found myself obliged, in compliance with the general arrangement of the volume, to omit the remainder. I allude

to the debates on the "Treaty-making power," the "Claims' law," the Direct Tax, the National Bank Bill, the Tariff, and the "Compensation law," which particularly illustrate the ability and eloquence of the Congress, and furnish the most instructive general views of our institutions and domestic policy.

I inserted at large, in my first volume, the oration of Mr. Pinkney, on the "Treaty-making power;" but this can convey no adequate idea of the range of the debate. The ingenious speeches of Messrs. Calhoun, Forsyth, Gaston, Hopkinson, and Randolph, on the same occasion, embrace an investigation of several fundamental principles of the Federal Constitution. The question was not, indeed, new in our legislative annals, and might have been supposed to be no longer controvertible. The only mischief that could result from the adoption of Mr. Forsyth's Resolutions, was the admission of the principle involved; and as I hold the right asserted for the House of Representatives, to interpret and *sanction* treaties, as spurious and useless, though not perhaps absolutely dangerous, I rejoice that they were set aside.

It is certainly desirable that all treaties should be *discussed* in the House of Representatives; and there are various modes of bringing them regularly under examination, without resorting to the pretension just stated. In extreme cases of corruption, incapacity, or mistake in the formation and ratification of them by the constitutional agents, the sure remedy is provided by the paramount law of self-preservation, and will readily suggest itself to the House of Representatives, and to the people. Such cases, may, however, be fairly described as impossible, with the precautions taken in our system.

There appears to be a perfect security furnished in the association of the Senate to the Executive branch in the power of concluding treaties. The Senate is a popular body of representatives, and the House could furnish no additional principle of safety or control, unless in the point of mere number. The practice of the British House of Commons, would seem to favour the pretension of our House of Representatives; yet there is, in fact, no parity of reasoning. In England, the crown is without any other check in the negotiation and conclusion of treaties, but the subsequent ~~reference~~ to Parliament for the means of carrying them into effect and the scrutiny which they there undergo. Even the House of Lords, is excluded from any share in this great prerogative, although the spirit of that Assembly is nearly consubstantial with the royal mind, while that of our Senate,—not to say of our Executive,—partakes of the popular genius, just as the human soul is said, in the theory of some metaphysicians, to be an emanation from the Divine essence.

It should be recollected, too, that the British government is collectively omnipotent, and the distribution of faculties in it almost

merely prescriptive. Here, under our federal system, there is a nicely measured and studiously apportioned grant from the people and the States. They have allotted specifically the power of making treaties, that is of binding the Union by contracts, to the Executive and Senate; while they have committed certain other powers to all parts of the government jointly, &c. They were satisfied with the Executive and the Senate, as the sole depositories of the power in question. The concurrence of such an assembly as the House of Representatives, would probably be, in a general point of view, of more detriment than benefit. Unity of deliberation and promptitude of execution were, as the experience of mankind suggested, to be consulted as far as possible, in the authorization to make treaties. There was a signal warning on this head in the example of the Dutch Republic, by the constitution of which all the provinces were to give their separate consent to every treaty. The embarrassments and disadvantages which this formality occasioned, led to what might be expected—frequent infractions of the rule. In the case of the celebrated triple league negotiated by Temple and De Wit, the States General broke through it, rather than incur a delay and uncertainty which often suspended as it were, the safety of the Republic, and always influenced foreign cabinets to the prejudice of her relations with them.

The Act relative to payment for property lost or captured during the war, called the "Claims law," passed at the first session, was, at the second, the subject of an animated and curious controversy, both as to its general principle, and the partial execution which it had received. The government may derive credit for generosity from this measure, but it would seem to have gone beyond what either duty or policy prescribed. I think the precedent will be lamented or its authority disputed, hereafter, as to all cases, other than those reached by the principles to which Mr. P. Barbour and Mr. Calhoun confined themselves in their luminous speeches on the subject. The argument of Mr. P. Barbour was a fine specimen of parliamentary logic, and appeared to me irresistible. It has not, I believe, been reported at large;—a circumstance much to be regretted.

The act passed, opens a wide door to fraud, and may induce endless expense and trouble. The treasury should possess Fortunatus' purse, to meet all the demands which might be referred to one or other of the several cases specified. A sufficient prelibation of the consequences was had in the merely inchoate execution, about which the House of Representatives was so long and angrily engaged.

There was something objectionable not only in the latitude of the general principle, but in the arrangements for the execution of the law.

The execution of such a law was too heavy and delicate a charge

for a single commissioner. He could not, however upright or capable he might be, perform the task without incurring suspicion and odium. A case of greater hardship than that of the respectable individual who had the misfortune to be selected for this trust, can scarcely be conceived, when we look to the manner in which his proceedings were investigated and arraigned in Congress. It was a virtual inquisition into character, which admitted of no such opportunity for vindication, as justice, or the feelings of the *accused* could rest satisfied with, on the supposition of his innocence. It was an awkward entanglement for all parties; for Congress, the President, and the unfortunate commissioner. I cannot think that Congress extricated itself as could be wished.*

Several of the speeches delivered on the subject of the Repeal of the *Direct Tax*, besides those of Mr. Clay, and Mr. Hopkinson, which I have given entire in my first volume, could be cited as ingenious and instructive performances. I would indicate particularly those of Mr. Calhoun, who shines on every occasion which calls for an appeal to general principles, and enlarged views of policy. His language in the debates on the additional Military Academies, on the General Appropriation Bill, on the encouragement of Domestic Manufactures, was that of a statesman "looking before and after." The reduction of the Direct Tax from six to three millions, and the limitation of it to one year, effected in the first session, were the harbingers of its extinction at the next. They might have been considered, too, as ominous of the proposition made in February last, to abolish all the internal taxes, which failed, say its advocates, only because it was introduced so late in the session. God forbid that this should have been the true reason of its failure! We may hope that the sound sense of the majority of Congress enlightened and admonished by the eloquent wisdom of some of the leaders, will not allow the Treasury to be cut off from all supplies, except those which it may be at any time in the power of foreign nations to curtail or intercept.

The reduction of the army would be the natural concomitant of the repeal of the taxes, and was meditated, simultaneously, in the House of Representatives. It was formally and seriously proposed in the Senate, by the hon. Mr. Mason, of New-Hampshire, who trembled for our liberties in viewing the number to which the army now amounts—ten thousand men—and would therefore, have reduced it to a moiety! But few senatorial voices were raised in favour of any reduction.† It was combated on

* So with the Treaty-question, although the respective reports of the Committees of Conference are in themselves able and valuable papers.

† In the course of the first session of this Congress, there originated in the Senate, another most alarming proposition which hap-

broad and solid grounds, particularly by Mr. Barbour, of Virginia, and Mr. Brown, of Louisiana. I must be permitted to extract a single paragraph from the able speech of Mr. Brown:

"That *large* standing armies, in times of tranquillity, have been considered by our ancestors, and are justly considered by us, as dangerous to liberty, I readily admit: and of such armies I never shall become the advocate. But can this salutary dread of *large* standing armies ever attach to the very small army to which the proposed reduction is intended to apply? It would seem impossible that any individual can for a moment, really feel any such alarm. Large armies, composed of mercenary troops, when stationed amongst a people ignorant of their rights, forbidden the use of arms, or, what is nearly as bad, ignorant of the use of them, are formidable—irresistible; but the army of our country is generally composed of its native citizens, and commanded by officers whose courage and fidelity have been proved in the field, and rewarded by the gratitude of the nation. This army is divided and stationed in garrison along the Atlantic coast from Maine to St. Mary's, and on the west from the Lakes to New Orleans. Our citizens are well informed, and jealous of their liberties: every where armed, and acquainted with the use of arms. Can such an army conceive designs against the liberty of their country? Can such an army, so dispersed and distributed amongst so many distant stations, afford any just cause of alarm, or even jealousy, to a population of more than one million of free men, such as I have described?"

One cannot see without dismay the inclination manifested in Congress, and industriously propagated without, to dismantle the country—now, when by its increasing greatness, and the peculiar condition of the world, it is more than ever exposed to disturbance in its foreign relations. To secure to the state at least all existing resources, is the dictate of common prudence. Economy is indeed, a salutary rule, when applied with judgment and circumspection. It no longer merits the name, especially in national affairs, when it is confounded with the mere saving or alleviation of the moment, apart from every consideration of future advantage or detriment, of national liberality or dignity. There are strong symptoms that it will assume this character, in the efforts of no inconsidera-

pily underwent the same fate. I allude to the amendment to the Constitution moved by Mr. Sandford, having for its object to make the Judges removable from office on the vote of two-thirds of both houses of Congress, with the consent of the President. This scheme of innovation—which reminds us by its boldness of that of Mr. Hillhouse of Connecticut, offered to the Senate several years ago—was resisted in the proper strain by Mr. King and Mr. Fromentin.

ble portion of the next Congress, and that administration will have to wrestle with it, as the evil genius of their own and the public weal.

The expenses of our establishments, particularly of the army, have, perhaps, been disproportionate to their extent. The remedy for the evil is the rigorous enforcement of a well digested system of scrutiny and control; and the 14th Congress made some progress towards this important reform. In the month of March, 1816, resolutions were offered by Mr. Tucker of Virginia, and carried, for the appointment at the commencement of each session, of additional standing committees to consist of three members, for the investigation of the several branches of the public expenditure, who are to report on abuses, suitable retrenchments, &c. The act of the last session, entitled "An act to provide for the prompt settlement of public accounts," presents regulations that cannot fail to be of considerable efficacy. This law followed a joint Report of the secretaries of the several departments of government, respecting the annual settlement of the public accounts; an interesting paper, which should not escape the attention of any American politician. It is to be found in the National Intelligencer, of December 20, 1816, and shows too clearly that a reformation was wanted. Much confusion, loss, and waste, were the necessary consequences of the state of things which it disclose. Some of the legal precautions which it recommended were too summary, and properly rejected by Congress. The miscarriage of one of its suggestions—the creation of a home department—is much to be regretted.

The debate on the *National Bank-Bill* could be little more than a repetition of what had been uttered before in congress, and rendered familiar to the public by newspaper essays. I admire the ability and perseverance with which this measure was supported; the adroitness with which it was attacked, and the sagacity displayed in relation to the objectionable features of the plan first proposed: But I must confess that Congress has always appeared to me to be less well-informed or successfully speculative as to the theory of money—making every allowance for the intrinsic difficulty of the subject—than on almost any other topic of national concern. The two Houses afforded full opportunity for judging of their competency to the question, since scarcely any member can be reproached with having withheld the fruits of his meditations or enquiries. This insufficiency of Congress—I speak with all due deference to it, and diffidence in my own opinion—if not merely imaginary, may, perhaps, be ascribed to a neglect of the experience and speculations in the same matter, of other nations, and particularly of England. The study of what has been there done and written, must have weakened the influence of popular notions hastily adopted, and the confidence, so natural, in the

lessons of a narrow circle of observation. In this, and, indeed, in all other branches of political economy, a partial or merely local experience, and native acuteness of mind, however great, constitute but an unsafe dependence for the aims of legislation. Sciences of detail are not to be mastered by the force of that degree of intuition which has been spared to mankind.

Under all circumstances, the national bank was a benefaction, and an act of prowess for which the whole government deserves applause. The 14th Congress has the great merit of improving and assuring the natural operation of the return of peace, as to the circulating medium. The establishment of the national bank, determined, in itself, unerringly, the resumption of specie payments; but this event was hastened by the resolution of the committee on the national currency, expressed at the 2d session, of leaving the secretary of the treasury to execute the provident law of the 1st session, which required all dues to the United States, to be paid from and after the 20th February 1817, in the legal currency of the country, or in the notes of such banks as discharged their notes in specie on demand.

The new tariff of duties on imports is another salutary work of the 14th Congress, in the accomplishment of which the most exemplary patience and vigilance were displayed. It was an arduous and delicate task, as, indeed, the adjustment of any particular branch of taxation must be with us;—much more so in several respects, than for the governments of Europe. The adverse interests and private views which they have to reconcile, are fewer, less energetic, and more submissive. We have a wide and variable field of legislation, with comparatively meager experience as to the results of the application of general principles; a reason why we ought carefully to study their operation in Europe, whenever a parity of situation is to be traced. The important question of the extent and mode in which domestic manufactures should be encouraged, was implicated in the regulation of the tariff, and instructively discussed. I could particularize the remarks of Mr. Calhoun, Mr. Gold, Mr. Clay, General Smith, and Mr. Randolph, as especially deserving of attention.

One of the observations of Mr. De Marbois, in his "Preliminary Discourse," as to our situation, is, that commerce is here at strife with agriculture. He would, probably, on a near view of the present state of things, place manufactures in the lists. He is not exactly right in the first, nor would he be in the second instance; but we should beware, lest, while we are talking of the harmony, indivisibility, &c. of these three branches of industry, a real hostility should be lurking between them. The spirit of encroachment and monopoly natural to the commercial and manufacturing interests is always to be dreaded. They enjoy a decided advantage over the agricultural in the fa-

cility of acting each en masse, and making themselves felt and heard. Besides the efficacy of standing committees, and of incessant clamor and innumerable written appeals under every guise —patriotism, distress, national pride, &c.—there is a peculiar danger for the agricultural interest, in the circumstance that the very members of congress who would seem especially to represent it, are for the most part, deeply engaged in manufactures, banks, &c., and may not always, therefore, be able to distinguish the object of favor primarily important for themselves and for the country.

The debate on the "Compensation law," was in every sense more in the nature of a chorus, than of the usual *recitative* of deliberative assemblies. There would be difficulty in assigning the ratio between the time which it consumed, and the intrinsic importance of the subject. This importance was not however inconsiderable, after the question had become, in fact, a formal issue between the people and the legislature. I do not propose to sift its merits, but merely to hazard some free remarks, in a spirit of perfect independence and disinterestedness. It is not easy to escape uncharitable imputations, whatever side you embrace of a question in relation to which there prevails an acute personal sensibility. *Incedis per ignes*, &c.—One who revolts at the idea of chiming with any popular clamor, as such, shrinks in this case from the expression of a concurrence in the popular ~~feeling~~ opinion, lest he should be not merely accused—which is inevitable,—but really suspected, of playing "the prostitute to common fame and the people."*

In the first place, though we may have to regret an exorbitant consumption of time, and a great redundance of oratory, on this occasion, we are enriched with some fine morsels of eloquence, and important views of the constitutional character of the legislature, and of the relations between it and the people. The observations, for instance, of Mr. Hopkinson, Mr. Calhoun, Mr. Grosvenor and Mr. Mills, respecting "the right of instructions," have in a degree the merit of novelty, besides that of the most cogent reasoning. The rare, versatile eloquence of Mr. Randolph, "not united, not embodied, but broken into fragments,"† gleams through, and vivifies the debate. His panegyric upon Edmund Burke may be cited as one of his happiest effusions; in which he threw out, as he has so often done, not only classical images and brilliant periods, but luminous maxims of political wisdom.

For my own part, I find more force and justness in the discourses of Mr. Huger, Mr. Forsyth, and Mr. P. Barbour,

* A popular man is in truth, no better than a prostitute to common fame and to the people.—*Dryden*.

† Dryden.

against the law, than in all that was said in its recommendation or defence. Yet I would readily acknowledge the ingenuity, strength, and good faith characteristic of the efforts of the venerable Mr. Findley, Mr. Pickering, Mr. Calhoun, Mr. Clay, Mr. Webster, Mr. Hulbert, Mr. Grosvenor, &c. Without approving of the final vote of either session, I can discover in the conduct and language of many members of both Houses, at the second, a manliness and erectness of spirit which would compensate any error of decision. There was no truckling to the popular sentiment on the part of either House as a body—nor was there that unseemly precipitation in undoing their act, which some apprehended and predicted. Only a few days after the commencement of the session, a motion was made in the senate, by a member from Massachusetts, to repeal the law: this proposition was rejected by a large majority, and a resolution substituted merely to enquire into the expediency of repealing or modifying it; and the mover of the first resolution was, contrary to the usual practice, excluded from the committee appointed for this purpose.

The more I consider the history and character of the law for "changing the mode of compensation, &c." the more I see in it to justify the discontent of the people. The very title had an air of deception, because there was, indisputably, an increase of amount, as well as a change of mode.*---The measure was introduced on the ground of a delinquency in congress, arising from mercenary dispositions, which could be remedied only by satisfying those dispositions in another way.†---It was hurried through with the most eager precipitation,‡ and a seeming de-

* "By changing the per diem or daily allowance, into a salary or gross sum, a concealment of the increase of pay was, he would not say, sought or intended, yet it certainly was effected. What number of persons abroad could comprehend the full effect of the change," &c.—Speech of Mr. Huger.

† "A gross sum of money by which members will be made attentive to business, and not adjourn any day at 4 o'clock, when such a course of conduct would be to deprive them of an adequate compensation."—Speech of colonel Johnson, the mover.

"Without this remedy, congress would, after a while, sit all the year."—Ibid.

"A long session was spun out, the six dollars pocketed, and little or nothing done to relieve the national distresses. He would not vote for one cent in addition to the per diem. It would be an inducement to protract the sessions, till they would become perpetual," &c.—Ibid.

‡ "The compensation bill was the only bill of any interest pushed through the committee of the whole house, and ordered to a third reading, in a single day: all motions to amend were rejected. The house refused repeated propositions to adjourn," &c.—Speech of Mr. Forsyth, (Feb. 1817.)

termination to tolerate no dissent.*—One of the considerations generally adduced in its defence, was the variation in the rates of prices and the value of money; yet this consideration was not allowed full weight or efficacy, when propositions were made to increase the salaries of public officers, who, unlike, in this respect, the great plurality of congress, have no other means of livelihood; and who, moreover, are devoted throughout the year to their official functions. The guardians of the public purse were seen to open it wider for themselves, with every indication of headlong avidity, while they refused to relax the strings in favour of other public servants who seemed to have stronger claims in equity.† If decorum did not call for an examination and gratification of these claims in the first instance, it seemed to require at least that the congress which augmented the allowance of the legislature alone, should exclude itself from the benefit of the change.‡

It is natural to view the act, in connection with these points, and with such a resolution as that which also passed the House of Representatives, but was rejected by the Senate—for allowing the members of congress *the privilege of franking during the whole recess.*

I think there is something in the idea of such an extension of this privilege, and of a fixed salary, which affects the fundamental, constitutional character of the legislature. They give it an executive air, and imply a sort of continuous activity of existence; whereas it is recognized by the constitution during the recess, merely, if I may be allowed the phrase, as in a state of suspended animation.

I would refer to the speech of Mr. P. Barbour, sketched in the National Intelligencer of the 21st January, 1817, for what I conceive to be the true character and ends of the compensation of an American legislature. There was something exceedingly unpalatable in the suggestion of Mr. Randolph,—that congress should receive no pay at all; but paradoxical as this may now appear, it will probably attract serious attention hereafter. At present it may be deposited on the same shelf with the recommendation con-

* "The pointed and severe sarcasms and ridicule attempted to be attached to all those who were opposed to the compensation bill, and particularly to those who got an opportunity of speaking against the measure," &c.—Speech of Mr. Desha.

† In the general appropriation bill, it was proposed to add 25 per cent. to the salaries of clerks of departments, &c. The clause was stricken out nem. con. On the 21st March, 1816, Mr. Forsyth made an unsuccessful motion for the appointment of a committee to enquire into the expediency of increasing the annual allowance of the ministers of the United States abroad, and of allowing annual salaries to consuls.

‡ See on this head the speech of Mr. Mason of the senate.

cerning the national university, &c. In respect to such ungrateful topics, the wise statesman will, perhaps, imitate the judicious poet of Horace.

quæ
Desperat tractata nitescere posse, relinquit.

Were the Compensation-law revived, or the *per diem* to be considerably increased, I should fear that the contest for a seat in the national legislature would really degenerate—to employ the illustration of a member—into a scrub-race. Lured by the strong temptation of a round sum, or a lucrative *job*,* the tribe of needy village place-hunters, and city-ward politicians, would start up into candidates for congress, and possessing many obvious advantages in the canvass, would be able to supplant the better order of legislators. I deplored the Compensation-law, from its tendency to produce this effect. The more or the less, as to the national treasury, is of little consequence, in this case.

Whatever credit we may allow to individuals in congress, for the port which they maintained on the question of the repeal of the law, it is impossible to be satisfied with the proceedings of the body on this point, or with the result of its deliberations.

"I do not wish," said the ingenuous member from Louisiana, Mr. Robertson, "to go before the people higgling and disputing between six, seven, eight or nine dollars a day." Yet such, it cannot be concealed, was the spectacle exhibited by the House of Representatives, and which its decision has exposed us to the mortification of seeing ~~rehearsed~~. The repeal of all existing laws in relation to the compensation of members, to date from the end of the 14th congress, was a catastrophe but little to be expected. The particular law changing the mode could, methinks, be abrogated, with consistency or dignity, only on the principle of a compliance with the will of the people. Now this will, if it had any definite sense, called unequivocally for its *immediate* repeal, and the revival of the old per diem. It would have denied congress the 1500 dollars for the last session. Better there had been no retractation than one which did not go all the lengths of the sole defensible motive.

This Compensation-law, and the refusal of the House of Representatives, (April 11, 1816,) to take up the report of the joint

* In the course of the debate on this unhappy subject, much was said—as if to suit the word to the deed—of paying by the *job*, of the *wages* of congressmen, &c. There is no one of the higher professions in society, which will tolerate the application of such language to its gains. Terms have a conventional propriety, which we cannot always violate with impunity. The Roman lawyer had his *honorarium*; the French has his *honoraires*; the English his fee; &c. I know of no dictionary of *synonymes* which couples *wages* with legislative bodies.

committee concerning the remains of General Washington—the standing opprobrium of the nation—are almost the only exceptionable traits in the history of the 14th congress. These are more than effaced, as respects the national interests, by the public laws of which I have caused an abstract to be attached to the present volume. Many of the money bills and land-donatives savour of an elevated and enlightened generosity: witness—the provision made for services performed and losses incurred during the last war;—for the indemnity of certain Indian tribes;—for the orphans and widows of seamen;—for the remuneration of the Canadian volunteers, an act of doubtful morality, however, and which was signalized in its passage by a very interesting debate. The *bonus-bill*, so called, which passed both Houses, but failed unluckily with the Executive, is scarcely surpassed in magnificence and comprehensive utility of purpose, by any legislative measure projected since the birth of our government.

The grant of a tract of land, (it must be viewed in the light of a *grant*,) to the French Colonial Society, for the cultivation of the olive and the vine, which met with no opposition, entitles us to the esteem even of those abroad who are contradistinguished in their political creed from the objects of our bounty. The patronage extended to the pencil of colonel Trumbull, was due to the ripening taste of the nation, and to those admirable drafts which were suspended by this eminent artist for critical inspection, in the hall of the House of Representatives. It is not the corporeal image alone of Washington, but also the very soul of that great man, which will be handed down to posterity, as he is delineated in the picture of the Surrender of Cornwallis: And there is no estimating the price which our descendants will set upon the graphical representation of the "Declaration of Independence," where the unrivalled interest of the scene itself is heightened by the truth of the details, even to the physiognomy and costume of each of the assistants.

I need not dwell upon such measures as the Navigation act, and those for the redemption of the public debt—the increase and perfection of the navy—the integrity of our neutral relations, &c., which are all of a high order of legislation in seasonableness, and influence both present and remote. The 14th congress must form an epoch as to one point, if no other, by the admission of the two States of Indiana and Missisippi into the Union. It could not now receive its due share of credit for refusing to include the whole of the former Missisippi territory within the limits of the state of that name, unless it were possible to unveil to the public the incredible activity and management exerted against this determination; and to anticipate the statistics of the whole territory, such as they will be a few generations hence. Among the proceedings of this congress the least likely to be remarked, but by no means the

least praise-worthy, is its refusal to ratify the cession of lands made by the Cherokee Indians to the hero of New Orleans, general Jackson. The respect and gratitude felt for this distinguished commander, were not suffered to baffle the dictates of a sound caution, seconded in this case by obvious considerations of delicacy.

The law of April 1816, entitled "An act to abolish the existing duties on spirits distilled, &c." was the occasion of an animated discussion in the House of Representatives. We tax the capacity of the still, instead of the quantity of liquor distilled. There seems much reason to doubt whether we have chosen the preferable mode. I think, indeed, that the contrary is completely established in the speech delivered in the house of representatives, February 22d, 1816, by Mr. Williams, in support of his proposition to repeal the acts of 1813 and 1814, respecting distilleries.

Mr. Pickens of North Carolina, asserted in the debate that his State had given nearly *ten* times as much revenue from distillation, when the tax was upon the quantity distilled.—In the other case the revenue is liable to suffer, by frauds at least as much, and from other causes, more. I could wish to draw attention to the Report of a Committee, respecting the Scotch distillery duties, presented to the British Parliament 11th June, 1798, and contained in the 6th vol. p. 455, of Debrett's Parliamentary Register. This Report furnishes an equally curious and instructive exposition of the frauds and disadvantages to which the scheme of levying the duty on the capacity of the still is obnoxious.* The question of taxation, whether as to the mode or the amount, in the matter of distilled spirits, is one of the most important, and not the least difficult of those within the cognizance of government.

In the *excerpta* from the debates of the British Parliament, which will be found near the end of this volume, there is something concerning the extent and effects of illicit distillation in the British dominions, purposely selected to serve as a memento to ourselves. It behoves us, with a view to the morals of the people and the interests of the national Treasury, to allow this subject its due weight, and to understand it in all its relations and consequences.

If the fourteenth congress had not accomplished so much, we might upbraid it for not having given a uniform Bankrupt law to the United States. A motion on this subject was made in January 1816, by the late General King, of Massa-

* See also Tilloch's Philosophical Magazine, Vol. 6. p. 73, for an account of the number of times that a still could be charged and run off within the twenty-four hours. This operation is now performed yet more frequently than the seventy-two times there mentioned.

chusetts, and a regular bill for the purpose was fruitlessly reported by Mr. Hopkinson at the beginning of the last session.

The establishment of uniformity in our weights and measures, was recommended by Mr. Madison in his Message of December 1816, but has also been consigned to the patriotism of the next Congress. The British Parliamentary Report on weights and measures, contained in the Annual Register of 1814, and the official enquiries upon which it was founded, the comprehensive Report of M. de Talleyrand to the French Constituent Assembly, cited by Mr. Jefferson in the Report which he made on the subject, as Secretary of State, in 1790, to the House of Representatives, and generally the learned researches of the French Institute on the same subject, would furnish useful hints to those upon whom the task may be devolved at Washington.*

It would seem that there is room for amendment in the internal economy of the National Legislature. I am not so presumptuous as to put forth any criticisms of my own on this head.—Taking, however, a lively interest in the good repute and excellence of our federal legislation, I could not but be struck with the following observations which fell from Mr. Webster, a member of great sagacity and authority, in the course of the debate on the Compensation-law. "There was," he said, "something radically defective in the present system of legislation. "No legislature in the world, he believed, sat so long as ours, "notwithstanding that the sphere of operation was so greatly con-"tracted by the intervention of eighteen distinct legislatures. "The system does not compel on the part of members that at-"tention which the nature of their public business requires. He "referred to the letters and papers on the desk of the members "every day: they ought to have none. When a man came into "the House of Representatives, he ought to leave on the thresh-"hold every feeling and thought, but what was connected with "the public service: private letters and private conversation "ought not to be permitted to encroach on the unity of his ob-"ject. If any way the attention of the house could be fixed on "the speaker, there would be an end to long speeches."

These prolegomena have nearly reached their utmost pardonable extent. I can, therefore, only cast a glance upon the recent productions of our literature, of which it was my wish to speak somewhat in detail.

The most remarkable both as to title and pretensions, is the History of the United States by the late Dr. Ramsay. The reputation which this author had acquired by his three well-known Historical works, excited a general confidence in the

* See also the instructive manual of Dr. Kelly entitled Metrology, published in London in 1816.

success of his last and greatest effort. Those, however, who had always regarded him as a useful Annalist, assiduous in the collection and faithful in the enunciation of facts, sufficiently perspicuous both in style and arrangement, for ordinary purposes, but incapable of *excelling* as an historian—were not disappointed when they found that he had, by no means, in the present performance, supplied the great desideratum—a suitable History of the United States.

The Sketch which he has given in his first volume, of the establishment and progress of the Thirteen Colonies, will not be preferred to that which constitutes the Introduction to Marshall's Life of Washington. He has improved but little his former account of our Revolution, and scarcely done justice to the interval between the capture of Cornwallis, and the year 1809, the period to which his posthumous work extends. His narrative is for the most part tame, his diction never elegant nor elevated, and his general reflections have rarely any depth or novelty. We owe, however, weighty obligations to this author for having rescued much of our Revolutionary History from at least a temporary oblivion, and reduced it into a shape so regular and creditable as that in which it came from his hands.

As for the "Continuation" down to the era of the Treaty of Ghent, "by the Rev. Dr. S. S. Smith, and other literary gentlemen," it is an appendage such as, I am sure, Dr. Ramsay would willingly have dispensed with for his labours. The chief sponsor, Dr. Smith of Princeton, though he has failed, unaccountably, in this instance, enjoys great celebrity among us, richly earned by many valuable writings. His Lectures on Moral and Political Philosophy, published in 1812, form one of the best treatises extant in this department of knowledge, and are admirably fitted for the use of our colleges. A similar remark may be made in relation to the Lectures on Rhetoric and Oratory of the Hon. John Q. Adams. With these two works at their command, our youth need not look abroad for instruction on the subjects of which they treat.

If the production of Dr. Ramsay be not all that could be wished in respect to our National History, much less can this be affirmed of the three huge volumes which General Wilkinson has lately conferred upon the public. They bear the imposing title of Memoirs of his own Times, but prove to be little more than memoirs of the individual. The second and third volumes, making altogether more than twelve hundred pages, are entirely devoted to a personal concern—"the illustration of his persecutions."

A few years ago, came forth a couple of stout octavos, ycleped Memoirs of General Wilkinson;—to the three now given, are to be added three more of equal bulk, as he has not been "able to touch the last twenty-five years of his public life." If then, perchance, his Times should be finally allowed their due proportion of space,

in what number of tomes can the tale be comprized? He has put chronology and method at utter defiance. Whatever his memory or bureau could furnish is thrown in pêle mèle. The confusion is increased by the animosities which were suffered to preside over the composition of almost every page. It is curious to observe their influence in this respect, in tracing the name of Mr. Madison through the summary of the contents of each chapter. All who rely upon the fidelity of General Wilkinson's gallery of portraits, must believe that our federal government has been peopled with a race of monsters. To characterise the late President of the United States, he searches for an archetype, among the tyrants of the classical era of Roman Despotism! Such exaggeration recoils, and defeats every purpose of History.

The Chapters which reflect most credit upon the author's sagacity and talents, and possess the greatest intrinsic value, are, perhaps, those wherein he analyses the battles fought during the late war: Yet, even here, the predominance of private resentments is so sensible, that it has the effect of destroying, with the mass of readers, all confidence in his judgments, and of leaving as they stood in common estimation, the military merits of the commanders whom he so earnestly labours to depreciate.

From the same cause his patriotism becomes suspicious in in those parts of his work, which might otherwise obtain for him the credit of a triumph over natural predilections fortified by habit. I allude to the vehement and studied declamations of this veteran general against *standing armies and war!* He has even, with a superserviceable zeal, fiercely denounced the National Bank, and most of the arrangements of the late administration upon which the newspapers had already rung all the changes. This sweeping, stern censorship might provoke his enemies to exclaim in the spirit and language of Juvenal,

> Felicia tempora quæ te
> Moribus opponunt; habeat jam Roma pudorem;
> Tertius é cœlo cecidit Cato.

In the number of interesting facts and documents which General Wilkinson has communicated to us, in the intelligence of his criticisms, in the vivacity and fluency of his diction, there is sufficient evidence that he was capable of making valuable additions to the stock of American history, and of writing so as to win the favour of more fastidious critics than myself;—if he could but have suppressed the memory of his alleged wrongs, thought more of the example which Cæsar has set in his Commentaries, and bestowed the *considerable* time and care indispensable as well for order and compression in the matter, as for correctness and precision in the style of memoirs of such compass and variety.

As our late war is a magnetic subject, it does not want for chroniclers. They have appeared over the whole surface of the Union, many with the widow's mite; but even this is to be welcomed and hoarded. The "Sketches" of John Lewis Thompson, and the History of Mr. Brackenridge, are meritorious in their way; so, though in a less degree, are some other popular narratives of the contest, of more limited scope, which have been written in the West. The Exposition of the Causes of the War, ascribed to the pen of the late Mr. Dallas, and the Historical Memoir of Major Latour, are of much higher aim and desert.

In Capt. James Riley's Narrative of his sufferings among the Arabs, we have an earnest of a species of literature destined to be very prolific among us Americans. The book of Capt. Riley must be acknowledged to be a curious and entertaining one, although it is far from being unexceptionable. There is a tone of exaggeration throughout which raises distrust; it is overwrought in the style and descriptions; it deals in miraculous dispensations of divine providence; it borders too much on cant in its perpetual, sanctimonious reference to scriptural topics. It opens no scenes new to the world, nor does it, in reality, shed any *new* light on the geography of the interior of Africa. The main story is old, as the narratives of Brisson and Saugnier, will singly testify. We should be grateful to Captain Riley, however, for his intentions, for the amusement which he affords, and for the edification of his example as a christian and a man, during the period of his captivity.

I regret much that I am compelled to restrict myself to the mere indication of works possessing such solid titles to esteem, and destined to prove so beneficial to the country, as the Treatise on Mineralogy and Geology by Professor Cleaveland, of Bowdoin College—the Course of Legal Study by Mr. Hoffman of Baltimore,—the Hebrew Grammar of Professor Willard—the Vocabulary of Mr. Pickering—Colden's Life of Fulton—the "Physical Observations, &c. on the Topography of Louisiana," by Dr. Heustis—the Entomology of Mr. T. Say, of Philadelphia, &c. &c.

Among the works announced for publication, or understood to be in a state of forwardness, are some with regard to which we may cherish high expectations. Of this number are the "*Vegetable Materia Medica*," of the United States, by Dr. W. P. C. Barton of Philadelphia, and the similar undertaking of Dr. Bigelow of Boston;—the Life and works of A. J. Dallas, Esq. announced by his son;—the Biography of Patrick Henry by Mr. Wirt of Richmond, and that of the justly celebrated Dr. Rush:—the Account of the States of New England, and of the State of New York, by the late Dr. Dwight;—the Essay on General Grammar of the Rev. Dr. J. P. Wilson of Philadelphia, &c.

AMERICAN REGISTER.

CONSPIRACY

OF

ARNOLD, AND SIR HENRY CLINTON,

AGAINST

THE UNITED STATES,

AND AGAINST

GENERAL WASHINGTON.

Phila. 1817

PRELIMINARY DISCOURSE

ON THE

UNITED STATES.

BEFORE the discovery of America by the Europeans, tribes of savages, unsettled and feeble, occupied, in this great continent, the territory where now flourishes the Republic of the United States. They lived in the open air, or inhabited wigwams, that is, huts of the rudest structure. Their only raiment consisted of skins of wild beasts; their arms, of the bow and the tomahawk: they depended for nourishment, upon the uncertain supplies of fishing and hunting, and sometimes devoured the flesh of their prisoners of war. Barbarous usages and superstitious rites stood them in lieu of laws and religion.

These wretched hordes gradually disappeared from the country which they had so long possessed. Some were destroyed by the strangers whom they had welcomed with hospitality: others spontaneously migrated towards the west. The English colonies took their place, and were established by men distinguished for the perseverance and courage, which seem to spring out of religious persecution. Most of these adventurous exiles were skilful in some trade or profession. They found, on disembarking, the wealth the most desirable for those whom labour does not appal;—tracts of vast extent, requiring only the arm of industry to become fertile, and which soon assumed a different aspect under the new masters.

Cultivation disclosed at length, the hidden treasures of the soil: The youthful generation now reaped the fruits of the toils of their fathers, and the Golden Age, the fiction of the old world, was realized in the new. Population, arts, education, husbandry, all the stamina of civilization, made rapid progress in these regions hitherto wild and almost desert. Antecedently, every thing belonged alike to all, and this jealous communion preclud-

ed the enjoyment of any particular private right. Now, on the contrary, there is no country of the universe where private property is more respected, and this respect is not founded on the authority or power of the proprietor. It rests upon generally received notions of equity and utility which, in securing to a man and his family, the produce of his labour, bind up social order with private gratification. It may also, perhaps, be ascribed to the great facility with which the very lowest of the poor can themselves become proprietors. They have no reason to envy those who have already acquired this character; and they are sure of reaching, in their turn, a condition of ease and affluence, by lawful means, and without extraordinary efforts.

The ideas of good government were carried to America, in the sixteenth century, by men who had emigrated from Europe in the hope of a better lot. Numerous sects of Christians banished by intolerance, and who were themselves intolerant in the outset, soon changed their maxims of conduct. These sects or *persuasions*—for it is thus they are styled in the language of the country—are not, perhaps, even yet, wholly exempt from superstitious fancies; but, abjuring fanaticism, they profess and practice beneficence, charity, philanthropy, the love of peace, not only as religious virtues, but as the principles the most favourable to human happiness. There, all creeds that acknowledge Christ, are equally revered. The government knows no preference for any, and none needs protection against the rest: The divine moral which they all profess is a sufficient shield; and those who administer affairs are deeply penetrated with this truth—that the state in which Religion ceases to be honoured, itself immediately verges towards ruin.

A cause superior to the authority of the magistrate, to the fear of punishment, to the vigilance of the domestic police,—a cause unrivalled in efficacy, averts crimes and maintains public tranquillity; I mean the happiness which is invariably found in all classes and professions. With a community so blessed, religion is no longer an engine of fear, necessary for the preservation of order and peace: It is an additional delight to existence; a new recompense for virtue.

Guided by these easy and simple means, all pursued, instinctively as it were, the track marked out by the legislator: They were never dragged into it by violence or prejudice. Sound principles, disseminated with a wholesome caution, prepared the Revolution which we have witnessed. It is the most remarkable within the reach of history, and circumstances peculiar to America stipulate perpetuity to the good effects which it has produced.

Among these circumstances, the most worthy of attention is —that the founders of the English Colonies, carried with them the seeds of genuine liberty, which time ripened by degrees,

and which were in a state of complete maturity when the Revolution began. This explains the facility with which social freedom was established in America—so quickly, and in such full perfection; while, elsewhere, the most arduous efforts were insufficient to naturalize it, because different principles had predominated through a long series of ages. Reformers, in whatever country, must beware of attempting to anticipate time; their business is to watch and foster the improvements which the lapse of years and the progress of knowledge induce—infallibly and inevitably. This amelioration is slow but sure; and, if there be risk in the attempt to accelerate it, to aim at frustrating the process is accompanied with at least equal danger. Popular government might, then, be established without difficulty, in a country where the most material change was the expulsion of the officers of the royal administration.

Society, in the United States, is not graduated into orders. There, no individuals are to be seen arrayed in sinecure titles; for, exalted orders without privilege or authority, titles without functions, would appear, in a republic, mere fictions unworthy of serious and sensible men. Every American title implies a magistracy and certain powers; and the title is honourable only in proportion to the merit with which the correlative office is discharged. With this nation—for these communities are already a nation—liberty hangs neither on the wisdom nor on the moderation of any individual. It is under the safeguard of the law, and is the most perfect of which the social compact is susceptible. The new constitutions in which it is digested were framed by sages whose dearest ambition—the noblest of all—was to render men happy. This sublime purpose they have completely achieved. They undertook what the most renowned philosophers, ancient and modern, only ventured to suggest as a theory more easy to be imagined than executed. They overleaped the limits which Aristotle, Bodin, More, Harrington, durst not pass. They could even, before quitting the stage of life, be themselves witnesses of the perfect success of the transcendent enterprise, and the world has, perhaps for the first time, seen Republics. But—what had not, certainly, been before seen,—these republics were reared by the people; for their delegates, strangers to intrigue and ambition, were truly the organs of the public will.

Famine, scarcity,—those scourges of the rest of the globe,—appear not in the American states, and are not be to apprehended there as long as the labourer can find rich, virgin lands, through which to drive his plough.

Crimes must be infrequent where all wants are easily satisfied, and public inflictions almost unknown. Official authority may dispense with the aid of an armed force. The constitution

and the laws are all-powerful in the unanimity of consent and affection.

These states, yet in the vigour of youth, carry lightly the burden of a public debt, which weighs down such as are on the decline or even stationary. Doubtless, it would be more advantageous for the United States to have no debt; but they never borrow unless with a view to some real and permanent good; and a few years of accumulation furnish means sufficient for paying the interest and extinguishing the capital. Elsewhere, credit dwindles, as loans multiply; there, the productions of the soil experience an increase, which no circumstances can impede; not even war or the folly of government. Each day the means of payment augment by a natural and necessary fructification, and confidence grows in the same proportion. I believe that, of all the states which are encumbered with a public debt, the United States will be the last to seek relief in the ignominious expedient of bankruptcy.

The nations of Europe cannot have just cause for making war upon them, and those even who are still powerful on the continent of America, will, if they are prudent, beware of disturbing their repose.

Their territory, distant from the pole on one side, and near to the tropic on the other, comprises the most highly favoured climes, and has that length of day which is most suitable for the labours of man. It is true that, in consequence of the land being but recently or imperfectly cleared, their winters are more severe than those of the parallel latitudes in our quarter of the globe. Nevertheless, the inhabitants are not condemned to inaction, like so many other nations who merely vegetate, as it were, during five or six months of the year.

While their fields are covered with snow, their merchant-vessels traverse the ocean in every direction: carpenters and other mechanics are busied in building, in repairing ships, or in raising new cities. A great part of the linen and cloth used in the interior is of domestic manufacture. Numbers employ themselves in fishing and hunting, and all are engaged throughout the year in some useful vocation. Bounded on the east by the Atlantic ocean, they will spread themselves in the west as far as the Pacific. Their population is now, perhaps, relatively too great in the maritime districts; but this inconvenience, if it exist, must become less from day to day, and before the end of the century, the proper proportion will obtain between the agricultural and the sea-faring population. This adjustment is not a matter of indifference. A great extent of coast with little depth of country is more unfavourable to general competence, to the development and maintenance of national prosperity, than a position altogether aloof from the sea, and encompassed by foreign territory.

The fisheries of the Grand Bank belong more particularly to the Americans than to other nations. All, indeed, might partake abundantly without exhausting the supply. It is a harvest more certain than that of the fields. The fisheries of the Bank, with that of the whale, are the best school for the formation of excellent seamen, and the Americans having the advantage of neighbourhood, cannot be behind any nation in the world in the competition for these natural treasures.

The United States must, of necessity, by reason of their situation, become the *entrepôt* of Europe and Asia, the two most industrious portions of the globe. Already do the Americans frequent the ports of China and the East Indies without cumbrous retinue, without the expense of privileged companies, armed factories, or garrisons. This saving enables them both to sell and buy at a cheaper rate. It could hardly be believed that their trade, in Asia, nearly equals a moiety of the British in the same quarter. They thus take a considerable share, and with no adventitious charges, in the navigation of the world, and have obtained this share, without usurping the rights of other nations, because their maritime commerce is nearly in due proportion to their territory, to its productions, to the extent of their coasts, and to their population.—The revolution is begun; time will finish it; and, in spite of all obstacles, civilization will make new conquests on every side. There are nations who augur prodigious developments and collisions of power from this great change in human affairs. Their fears are awakened, and they believe that their own ruin will be the consequence. They will labour to obstruct, and may, perhaps, succeed in retarding, the natural course of things. These American states are, in fact, the only power which threatens to wrest, one day, the empire of the seas from England; but we may believe, at the same time, that the alarms of the English nation as to her trade, are groundless; for, the productions and constantly increasing riches of the United States are so considerable that they will be able, without exciting jealousy, to admit all nations to a participation in the benefits of their friendship.

If the influence of the mercantile spirit were excluded from the examination and decision of questions of this sort, it would soon be conceded that there is no nation which has not a direct interest in promoting the natural growth of the resources of all others. It is from the great colony established in America by Europeans, that Europe will learn this important lesson.

We will admit, however, that these new republics possessed of so many advantages, do not always enjoy them with perfect composure and decorum. As the agitations and disorders to which they are subject have a certain éclat, while the evidences of their domestic felicity are not so immediately perceptible, it often happens that the report of the former crosses the ocean,

and engages the attention of Europe. We know, for example, that the candidates for the highest offices of government are arraigned with bitterness;—are not even safe from the coarsest obloquy. The press, of which the liberty guarantees that of society at large, lends its aid also to hatred, to jealousy, to ambition:—The partial interests of the several states clash, and are an inexhaustible source of petty disputes:—commerce is at strife with agriculture:—men of factious temper exasperate the virulence of debate, and inflame the animosities of party:—resistance is not confined to reasoning and declamation:—the deliberations of the gravest assemblies are sometimes interrupted by violence:—injustice follows, and the passions of the moment may so far transport a good citizen, as to give to his conduct the semblance of treason.—The statesman whom a numerous party honours, and whose virtues it would reward, by raising him to the first offices of government, is assailed in the Gazettes with invective and slander. But, the wiser he is, and the more free from reproach, the less can they disturb him. Immediately after the attack, he reads, perhaps in the same paper, his defence and panegyric, and these are the work of persons, whom, for the most part, he does not know, and who are more incensed at the provocation than he is himself. A free press supplies the remedy for the wound it may have inflicted, and heals without leaving the smallest scar. If however, the outrage be enormous, to repel and punish it, the injured citizen needs not the support of a faction. The laws secure to him full redress and protection.

The government likewise derives the greatest advantages from the liberty of the press. While, elsewhere, those who govern even with wisdom and moderation, dread this liberty as an offensive weapon which may reach them, the magistrates and statesmen of America find in it a shield always ready and effectual. Frequently, it even serves the government as an organ for apprizing foreign powers of the opinion and feelings of the people—with more benefit though with less parade, than by manifestos and ministerial notes.

To judge from the uproar of party, and the various tumultuary movements, it might be imagined that disunion and civil war were about to ensue. But the vivacity or heat of discussion, is a consequence of its publicity, and of the freedom which should attend it; tranquillity returns, when the majority has decided. Suppose the object of the immediate controversy an election;—as soon as it is terminated, the successful candidate, before so much reviled, experiences thereafter only marks of public veneration. If the choice be sometimes objectionable, it is rarely so, and the periodical recurrence of the exercise of the right of suffrage, affords an easy and early opportunity of rectifying the mistake. When a law, however obstinately combated in its pas-

sage, has received the sanction of the majority, its antagonists are powerless; discontent is hushed, and obedience to the rule which a short time previous was so vehemently deprecated, becomes easy and cheerful under the influence of the general assent and general good. The multitude freely submits to be governed, when it loves the laws, and is satisfied that the magistrates conform to them.

Some of our politicians are not without fears for the future. The experience of so many centuries, and the history of human revolutions, make them apprehend, for the American republic, calamities such as those which have uniformly befallen other states. There will arise, it is said, ambitious demagogues; men greedy of false renown, eager for war and conquest. It is but too true, that, from time immemorial, great states have constantly sought further aggrandizement, while the small have exhausted themselves in futile efforts at resistance. But the American Confederacy is a new phenomenon in the political creation.—To leave no doubt on this head, I will cite a fact *unique* in the annals of the world.

The independence of the United States dates back more than forty years; and, for a nation yet in the cradle, forty years passed without domestic quarrels, or, at least, serious dissentions, are comparatively more than a century of internal quiet. In this interval, not only has no one state attempted to enlarge itself at the expense of its neighbours, but those which, by their population and surface, rank among the most powerful of the Union, have already, of their own accord, prescribed limits to their own increase. They have voluntarily dismembered themselves, in order, that, out of the detached portions of the body-politic, new communities might be formed which, in their turn, have been admitted upon an equal footing with the old, into the general union. The parent-stock may yet grow, notwithstanding this segregation;—only it must henceforth be by internal improvements. While I am writing this, the territory of Indiana is about to be received, as a new state, into the confederation. Thus does a father share with his sons, as soon as they come to manhood, a fortune laboriously acquired; and sees them with delight, grow and prosper near him, by the same means.

No doubt, there will be ambitious spirits; but what can they hope to accomplish in a country, of all whose institutions, civil, military, and even religious, the object is equality among the citizens? where oppression and want are unknown? where every man has an assurance of happiness, and a conviction of the integrity of the magistrates whom he has himself chosen? in a country, which having no neighbour to dread, has no need of large standing armies, and into which, therefore, the introduction of military despotism is for ever impossible? The ambitious man, then, can look only to the legitimate glory of doing

most for the welfare of his fellow-citizens; and, if he have from nature superior endowments, his aspirations will be easily gratified, for, there, no one capable of filling an important post, can remain long in obscurity.

Should some, however, be unjustly debarred from the management of public affairs, and indulge a hasty resentment, there will be still no ground of apprehension for the national weal. Rivalries will, it is true, blaze out between conspicuous men; they will not always be disinterested or wise enough, to relent at the touching name of country, and unite in efforts for the general good. There will be, then, a party of men opposed to the government. They will incommode, they will embarrass it at times.—But, by how many advantages will not these inconveniencies be compensated? The jealousy of authority, the ambition of those who aspire to rule, is a sentry ever on the alert to detect the least obliquity of the men in place, and is, by this vigilance, a preventive of remissness or malversation. The latter are taught to respect themselves if they wish to be respected; they know that neither power nor patronage can effectually shroud their ignorance or errors. If prudence, in unison with the law, require that the plans of government should be, for a time, kept secret, a public and faithful revelation must be made, when these plans are executed. Thus, no injudicious enterprises are likely to be formed, and through the agency of opposition itself, government is carried to that perfection in maxims and conduct so long ideal, now admirably realized.

In all the states of the union, instruction and knowledge are open to the whole population. The rich and the powerful see without inquietude the diffusion of light among even the lowest classes of the poor; and apprehension on this score would be void of foundation; for, if lettered education be dangerous in an ill-organized society, it cannot be so in a country where liberty reigns, and want is a stranger.

Such a multitude of benefits result from two causes never combined, before the establishment of American independence; —a good constitution, and lands of inexhaustible fertility which, for ten centuries to come, may continue to be distributed among a population ever on the increase!

Fortunate people whose prosperity has no limits either of time or space! Already for many years back, has the influence of this state of things begun to be felt in the other divisions of the globe. The United States offer a refuge, abundance, and quiet to all the unhappy of the human race. The potentates of Europe,—those even whose authority is absolute,—have yielded without a struggle to this benign influence; and discovered by what means they might yet retain their subjects at home. Moderate freedom and equal laws are no longer alarming to their fancy, and they admit the necessity of establishing their

dominion on these solid foundations. To some of their subjects they may proffer the brilliant favours of royalty; to others the lustre of glory and renown; and at the same time secure to all, enjoyments exempt from the agitation incident to popular states. Should the glittering baubles just mentioned,—which daily sink in value to the eye of reason,—even fail altogether as an auxiliary to the business of government, other springs of obedience a thousand times more powerful, and safe from human vicissitudes, are within the reach of monarchs. They can resort to that royal wisdom which is nothing else than the union of the virtues and qualities necessary to enable those who fill thrones to render men happy, and society prosperous. The world has often seen the prosperity of nations associated with the glory of kings; and never, perhaps, were circumstances more auspicious than at present, for this beneficent conjunction; never was there more reason to assume it as certain. Let the impulse given be sustained and extended; public felicity, more efficacious than guards and edicts, will arrest emigration, and Europe will then herself participate in the boon of the American revolution.

But, while so much has been done, in politics, for the happiness of society in America, all the resources of science and skill are there unavailing against local calamities now unknown to Europe! A contagious atmosphere prevails in most of the countries newly cleared, and chiefly upon the banks of the rivers:—Destructive fevers are inevitable whenever a great heat succeeds to much moisture:—The low and marshy places are infected with the species of plague called the Yellow-Fever:—Periodical rains cause the lakes and rivers to overflow, and the inundated plains receive a deposit which sends forth exhalations oftentimes fatal.

Another scourge meets those who settle on the western frontier. They are continually exposed to the attacks of savages alike cruel and treacherous. In fine, the emigrant, whether he halts in the cities, or repairs to the thinly inhabited spots, must be resigned to live for a long time, as a stranger in the country of his adoption. Those particularly whom poverty compels to remove, who embark unprovided with the means necessary for a small beginning, and who are unacquainted with any trade, must renounce for many years, that very freedom by the hope of which they are allured. They can obtain it only after having fulfilled a contract not different from one of slavery, and the little of contentment of which this domestic bondage may admit,—the advantages which they may reap at the expiration of their term of service,—depend chiefly on the character of the master who has fallen to their lot.

Slaves have never been numerous in the northern states, even before the Revolution. The framers of their constitutions, either unwilling to admit any thing short of a perfect system of free-

dom, or following the precepts of Christianity, or consulting natural justice alone, have gradually dispensed the blessing of liberty to all human creatures. This universal emancipation has been effected in the course of a few years, without violence or convulsion, and slavery has at length wholly disappeared from those states.

But this curse still rests, in the full amplitude of evil, upon the southern members of the union. A natural enemy lurks in the bosom, and incessantly menaces the peace of each family. He is more to be feared as his hate is disguised under the forms of the most abject submission. Severity only embitters his resentment; a more guarded usage discloses to him the dread which he inspires. If a vast conspiracy be formed, a common interest secures the fidelity of all the accomplices; and when it breaks out, it is in the deeds of vengeance and ferocity which have, at all times, signalized the revolts of slaves.

The blacks are, in some states, almost as numerous as the whites. In these, the chief wealth of the free inhabitants consists of slaves. But the number of the latter is not the only obstacle to their enfranchisement. The difference of colour is another, which has hitherto been thought insuperable. It may be expected that, in such climates, the blacks set free, would multiply faster than the whites; that, soon, having become the strongest, they would usurp the government; and, perhaps, might not be found grateful enough to their old masters, to disdain being oppressors in their turn!

The constitutions of the southern states have not as yet been adequate to the production of a remedy for this horrible canker, which afflicts the philosophical observer the more, because it defaces works perfect in every other respect. If there can be found, as some believe, wise and humane means of cure, we may rely, for the proper application, upon the prudence of those concerned. It were presumptuous to undertake to indicate to them what they must well know.

The contrariety which exists between the interests of several states, cannot be dissembled, and will not be always easy to remove. Those of the North, are peopled by an enterprising, robust race, familiar with navigation and the dangers of the sea. They enrich themselves by commerce, and regard this as the most solid basis of their prosperity. Like all trading communities, they place wealth first on the list of the advantages of the social compact; power, and even national consideration, appear to them of a secondary order. The people of the South, less frugal, more addicted to luxury, more generally engaged in agriculture, set little value on trade; and their maxims of political administration are of a loftier character. These discordances may have effects injurious to the public welfare. One party may call for war, the other for peace, and alternately. They

will scarcely ever pursue steadily the same end, and this circumstance may often check and clog the due pace of national affairs. But the diversity of interests is an evil inherent in the great extent of the states. There is not, perhaps, in the world, a single community, of which all the branches reason and act on uniform principles, and in which, particular views are not often found at variance with the general policy. The state lives nevertheless;—it thrives;—and its existence is endangered then only when the adverse interests are so equally poised that the movement of government is altogether suspended.

Hitherto, the Americans have not made great progress in the elegant arts; their public libraries, their museums, would not, in Europe, be thought worthy to decorate the mansion of an opulent amateur. They style the edifices in which their legislators assemble, *capitols*, and this appellation which is now held ambitious, will, one day, appear quite modest. They have no cirques, amphitheatres, nor mock sea-fights. It will never, perhaps, be necessary for them to construct citadels, or environ their towns with ditches and ramparts. There will not be seen among them either pyramids, or proud mausoleums, or basilicks, or temples like those of Ephesus and Rome. Ages must revolve before they will erect those edifices of which the idle and barren magnificence imposes heavy sacrifices on the present generation; diverts their industry towards objects of mere parade, and entails wretchedness on posterity. The time of the Americans is wisely divided between permanently useful labours, and necessary repose. They employ themselves in preparing their fields for the production of food; in rendering their dwellings commodious; in opening roads and digging canals. Commerce and navigation already supply them with wealth; the arts of real utility embellish their cities, and Europe, which so long stood single as the country of the sciences and human wisdom, now shares with America this noble distinction.

A traitorous enterprise, which put to hazard such high destinies, has not fallen into oblivion; but all the most memorable circumstances of the affair have not been published, and I have thought that it would be well, in composing the narrative, to overlook no incident fitted to brighten the lustre of virtue, or to inspire a deeper horror for vice.

The war between England and her colonies broke out in 1774. From this period, the Americans were divided into two parties. The one that remained faithful to the mother country, was most powerful in the beginning, but it quickly declined in strength. To the other belonged the personages the most esteemed for their virtues, and, in other respects, the most worthy of public confidence. During the ten years that this great quarrel lasted, Silas Deane and Benedict Arnold were the only men invested with important trusts, who betrayed the cause of independence.

The first sold the secrets of congress to the English ministry; his perfidy did no harm, and the meanest deserter could not have been more speedily forgotten.

The treachery of Arnold, was attended with more remarkable circumstances.

He concerted a plot, with the enemies of his country, to replace it under their dominion, and to deliver General Washington into their hands. The Republic was saved by the virtue of three young soldiers.

A witness of these events, I avail myself of the leisure which I enjoy, to report them to the world.

CONSPIRACY OF ARNOLD,

1780.

Four years had gone by since the English colonies declared, in a Congress of their Representatives, that they were released from the dependence in which Great Britain had kept them for more than a century and a half. The mother-country had resolved to subdue them, and the quarrel was to be decided by arms. But, though the military successes on both sides were nearly equal, there was an important difference of character already discernible in this war. It was this:—that the Americans without allies or subsidies, finding at home all the resources of a people defending their own soil, baffled the efforts of their former masters; while the latter no longer preserved a foothold on the territory of the revolted colonies, but by the aid of German mercenaries, and at an expense overbalancing, perhaps, the advantages of which the highest fortune in arms could be productive.

The necessity of hiring foreign troops opened the eyes of England more fully, to the magnitude of the loss with which she was threatened. Her statesmen had adopted it as a maxim that the colonies were, at all times, to recruit her fleets, and, during war, to hold in readiness a numerous militia, to be carried whithersoever the exigencies of the mother-country might point. Military levies could never exhaust their population;—it doubled every twenty-two years;—the plenty of all the necessaries of life drew to them continually crowds of emigrants from England and other parts of Europe, which will never see emigrants from America.

The pretension of the British ministry to tax the colonies was the first cause of the revolt. But the war soon proceeded on much higher motives. Independence being once declared, the question was, for the Americans, whether they were to be free, or subjected to the yoke of a people incensed by their rebellion. England, on the other hand, had now at stake, her prosperity, her glory, even her existence as the dominant power in Europe;—at least, those who opposed the recognition of the independence believed, or affected to believe this to be the case.

The colonies were established, said they, not to become, as those of the ancients, the equals of the mother-country, but to be subservient to her will. In losing them, England lost the most prolific nursery of her seamen;—her army suffered in like manner. It was to her colonial troops that she was principally indebted for the conquest of Nova Scotia, Newfoundland, Cape Breton Island, Canada, Labrador, and Northern Louisiana, all acquired in the course of the century. The kings of England, and the English people, in stripping France of these vast and useful domains, had degraded her from the first rank, and taken her place. They engrossed, with few exceptions, the commerce of the whole world; their preponderance in the affairs of Europe was no longer disputed; and these advantages resulted from the supremacy they had established at sea. They thought themselves sure of never losing it, if the colonies could be reclaimed and held to the yoke. But, if England were to be deprived of the aid of her American subjects, and of the naval munitions which they could furnish in such abundance;—if she must renounce her sovereignty of the seas that wash the shores of their continent, and the monopoly of their ports and harbours for her armed fleets;—if, in fine, she were exposed to have them as enemies, the British power might be thenceforth regarded as a Colossus wanting a proportionate base. The mighty superstructure, raised with so much industry and perseverance, but not with a due foresight, must, sooner or later, be shaken to its foundations, and the damage might be irreparable.—An agricultural state, with economy as the rule of the whole system, could easily apply to navigation and commerce. But there was no such facility in the transition from commerce to agriculture;—in the relinquishment of habits of luxury and the gratifications of wealth.

A preponderating power rarely fails to incur, by its arrogance and injustice, the hatred of the other nations. To the hatred imbibed against England, was added the favour which the cause of liberty usually conciliates from mankind, whatever may be the governments under which they live. No state, no potentate had an interest adverse to the independence of the colonies. Thus, Europe could calculate without alarm, to what a height of prosperity these new communities might attain. England alone had reason to be jealous.

Spain, indeed, mindful that the conquest of the Havanna had been the work of troops levied in the British provinces, should have startled at the prospect of their future greatness, and at an example that might be imitated throughout her vast colonies; but, swept along by the current of events, she yielded to necessity, and trusted to fortune for the preservation of her transatlantic empire.

France retained but a faint recollection of those violations of public law, by which, at the commencement of the last war, so many French vessels and sailors fell a prey to England; and it was at the same time forgotten that in this unlucky contest, the militia of the British colonies had mainly contributed to conquer Canada and Upper Louisiana for Great Britain. English America was little known in France, and yet the insurgents had no where else a more numerous or unreserved body of friends. That hate between the two nations;—that jealousy which would seem destined to endure as long as the coasts of France and England lie opposite, raged anew with the utmost intensity; and the disgrace of the treaty of Fontainbleau kindled, after a lapse of fifteen years, fiercer indignation, than when it was signed. It was thus that grievances were resuscitated, which will be eternal, if, at some future period, the party last discomfited, have not the wisdom to silence its resentments.

It has been since questioned, whether France, in assisting the revolted colonies with all her strength, followed the dictates of sound policy. Some have thought that it would have been preferable to allow England to exhaust herself by a war, which we could have fed secretly but sparingly, and have thus made interminable. Others, considering rebellion as contagious, have ascribed the disasters of our Revolution, to our connexion with the United States. Without sifting these points—at the best problematical—it would suffice, perhaps, in order to justify the conduct of the French government, to reflect what would have been the consequence of an alliance formed between England and her colonies on conditions perfectly equal, such as they were actually submitted for adoption, by several statesmen on both sides. It is probable that the ruin of the French marine would have resulted from this league. But the experience of ages has demonstrated, that great states cannot prosper when they are deprived of the benefits of navigation.

Navies are hardly less important than armies, for the defence of coasts and maritime cities; and colonies beyond sea, cannot be preserved without a respectable naval force. It equally behoves a great nation to keep her foreign trade independent of other powers. The nation that neglects this duty, is punished sooner or later. It surrenders to strangers, the profits of freight and commission. It is at their mercy in respect to its exports and imports, and even as to articles of first necessity. The ship is to commerce, what the plough is to agriculture.

Let us not revert to the American Revolution for the primary cause of the excesses which marred that of France, nor imitate those judges whose skill consists in awaiting the event. The cabinet of Versailles, far from being condemned, at the time, for this alliance, was blamed for extreme circumspection;—an unjust reproach, because deliberation and ripeness of know-

ledge are never more necessary than when the resolution to be taken is of peace or war.

After much hesitation, the alliance between France and the United States was at length concluded: But, in giving this provocation to England, the cabinet of Versailles affected to believe that she would not resent the proceeding, and acted as if she could have seen it with indifference. The squadron ready at Toulon should have sailed on the very day the French ambassador made known to the court of London that the treaty with the Americans was signed. The fruits of this expedition were lost by delays which might have been avoided. Ministers pleaded the necessity of opposing order and economy to a nation that expected to triumph by lavishing her treasures. But even order suffers by procrastination, and true economy lies in expending usefully and seasonably. This was felt and acknowledged at a later period. The transport of land-succours was also deferred through a false prudence. An idle fear was indulged of alarming a people the more jealous of their liberty, as they were just beginning to enjoy it. So far, however, from dreading these succours, congress had, by its ambassadors, made the most pressing instances for them. It was finally determined that a chosen force, not numerous, but ably commanded, perfectly disciplined, and completely equipped, should be despatched to America.

All the youth of France manifested the desire of fighting in America. We had never seen so thronged a competition for so few posts. Talents, favour, intrigue, every thing was brought to bear, to procure employment in this expedition. Since the era of the Crusades, there had not been exhibited such an eagerness to go beyond sea, to regions almost unknown, for the purpose of defending a cause scarcely understood.

To the passion of glory common to men of lofty courage, was added another feeling with which every bosom already throbbed. It was the first inspiration of liberty; and even then, we could perceive, that if this magic power had wise and moderate friends in France, she would find also votaries fanatical in their zeal.

The news of this armament reached England immediately, and the nation, hitherto divided as to the object and utility of the war, appeared of a sudden to have but one purpose and desire—that of vengeance. But a little before it was under deliberation, whether the mother-country should not acknowledge the independence of her rebellious children: now, the resolution was unanimous, "to chastise their revolt and the crime of having contracted an alliance with the implacable enemy of the British power."

Thus commenced the war between two nations perpetually rivals; equally powerful; the one at sea, the other on land:—The

one formidable for her fleets, the largest and the best managed that the ocean had ever borne, and for her credit which her punctuality has enabled her to stretch far beyond the limits prescribed by prudence;—the other, for her population, her martial genius, and her military resources: Both, supereminent in arts, science, letters, and the discoveries by which the happiness of man has been promoted. The other powers became universally intent on the events which were to grow out of this rupture. The measures of France produced great, though tardy effects, and her arms shone, in the new world, with a lustre eclipsed, indeed, for the last thirty years, in the old.

But England so redoubtable at sea, could not fail to discover that she was incompetent to contend, in both hemispheres, against a nation inexhaustible in good generals and brave soldiers. This, then, was the moment to resort to corruption, and to lavish gold, the auxiliary of governments whose chief strength consists in their wealth. The English ministry employed emissaries who were instructed to spare nothing, in order to seduce from the cause of independence, the men in the revolted colonies the most eminent for their influence, talents, or services. The language of the ministry was—"Scatter presents; make promises; you will be borne out in every thing; there is scarcely "any probity that can withstand gold; give opportunely, and "you will succeed." Those who have so little confidence in human virtue, usually possess the least share of it themselves. If they are at the head of affairs, their doctrine works their own ruin; for, in debauching the public morals, they sap the foundations of their own power.

The conjuncture was not favourable for this plan of seduction; and the sound, hearty principles, the simple and frugal habits, of the Americans, afforded no opening for bribery. The most of them devoted to agriculture, to commerce, or to professions which equally placed them above want, deemed the fulfilment of their duties the surest road to happiness, and obedience to the laws as the only rule of conduct for a good citizen. It is true that love of country was a phrase without meaning, where country did not yet exist. As for honour, vaunted as the spring of great actions in other quarters, the doubt is suggested whether it can flourish in communities so studious of a perfect equality among all the members, and in which there is no durable elevation nor depression. Few Americans, perhaps, could have defined honour; but all performed their duty and complied with the laws.

Those who were immediately entrusted with the management of the federal concerns, had been so happily chosen, that the English commissioners deputed to ply the congress with gold, did not find a single man of this body accessible to their largesses. Most of those to whom they were proffered, never

mentioned the indignity, and this silence testifies how much they held themselves outraged.

The revolutions of states are almost always disgraced by acts of treachery. They are fed, as it were, on suspicion, and protracted by the thirst of vengeance. That of the United States had alone a different character. If we except a small number of men fond of intrigue, and interested in disorder, congress was composed of upright, unambitious citizens. In the midst of the agitations and divisions inseparable from popular assemblies, this remained unshaken in its love of liberty and its hatred of the English yoke. Hence sprung a mutual confidence between a majority of the delegates, and when substitutions occurred, the new members brought with them sentiments of esteem for their predecessors, which the latter were not backward in repaying. The first care of the delegates was to provide for the constitution they had just framed, the support of pure morals and good faith; to put disinterestedness in repute; and they furnished, in their own conduct, a model of the virtues which they inculcated on their fellow citizens.

In the army, above all, were these virtues most conspicuous. It underwent every sort of inconvenience and suffering with admirable patience. Never was there less luxury seen than in the American camp, and even under the tent of Washington. The greater part of the generals had left at home what was sufficient for men of moderate desires, and who did not seek service from the cupidity of gain. They submitted to all the privations which the common soldier had to endure; and if abstemiousness was often a necessary virtue for both, they never detracted from its merit by their complaints.

Among the American generals, BENEDICT ARNOLD was one of the most distinguished. Born in Connecticut of obscure parents, he received the education suitable to an humble condition. The occupations of his youth were not fitted to prepare him for the functions which he was called to exercise in the sequel. At first, a dealer in horses, he sustained losses in this trade. Eager for renown, greedy of money, the troubles of his country inspired him with the hope of acquiring fame and fortune by the profession of arms. He soon won a high military reputation. His impatience for wealth was not so easily gratified.

Washington, encouraged by secret advices that the Canadians were inclined to make part of the Union, projected the surprise of Quebec. This hazardous undertaking required leaders at once active, vigilant, bold, and inflexibly patient. He

committed it to Montgomery and colonel Arnold, as the most capable. He exhorted them, with extreme earnestness, to treat the Canadians as friends, as fellow-citizens, and to punish severely the least irregularities of the soldiery. Arnold began his march in the month of September. He conducted his small force through deserts which man had never before penetrated. The river of Kennebeck had overflown its banks. He crossed it in swimming, or on rafts. Unknown streams presented a new obstacle; he diverted their course. The snow fell in abundance; —a few hours of sun during the day were insufficient to thaw the ice formed in the long and severe nights of the northern autumn; nothing could arrest his progress. He was always in the van with the pioneers who cut open the road in this wild country: and at the end of each march, had arrived before the enemy knew of his approach. He thus put in practice a maxim which he was fond of repeating: "In war, Expedition is equivalent with Strength."

The last division, conducted by a man less resolute and persevering than himself, returned; while he, at the head of the two first, sustained the courage of the soldiers, who were exhausted by fatigue, hunger, and every species of suffering. After two months of toil, all impediments were overcome, and he encamped before the fortress; but with a band so much enfeebled, that he was obliged to await the arrival of Montgomery who approached by another route. Montgomery died gloriously in an assault made on the 31st December; Arnold was severely wounded in the leg, and forced to convert the siege into a blockade: he was not, however, to be daunted by any reverse. From the bed to which his wound confined him, he infused into the little army, the command of which had now devolved upon him, his own spirit of determination and confidence. The enterprize failed; the courage and intelligence which he exhibited throughout, placed him nevertheless in the first class of American officers.

He served with better fortune and still greater distinction, in the subsequent campaigns; and bore a considerable part in the successes of that in which Burgoyne and his army were made prisoners. He fought with his usual intrepidity in the engagement which immediately preceded the capitulation. The first to throw himself into the entrenchments of the enemy, he was animating his troops by his example, when a ball shattered the leg already wounded at the siege of Quebec. As he was borne from the ranks to his tent, he still issued orders for the continuance of the assault. His rivals (for he had them at an early period) accused him of entangling himself rashly in perilous situations; but they were constrained to admit, that his rapid discernment supplied him, in the midst of danger, with the surest expedients, and that success always justified his boldness.

The admiration of his fellow-citizens kept pace with his services, and the heart the most passionately enamoured of glory might have been satisfied with that which so early attached to his name.

It might be thought that a sentiment so pure and exalted could not lodge in the same breast with an insatiable avidity for riches, which would seek gratification by any means however vile. These two impulses, however, alternately governed Arnold. The prospect of a rich booty, the hope of a gain even the most sordid, stimulated him so powerfully, that, to obtain them, he would brave perils greater than those he might be willing to encounter for the increase of his fame. A bad manager of ill-gotten wealth, he squandered it at once in frivolous expenses, or mere ostentation. Montreal, the second city of Canada, was, under his command, a scene of injustice and rapacity. His soldiers, as happens uniformly, imitated the example of their chief. Instead of ingratiating the cause of liberty with the Canadians, by blandishment and protection, he imposed the most galling yoke upon them; and his victims, treated like a conquered people, had long since abandoned the design of espousing the confederation. Thus he lost for his country by his avarice, what he had won for her by his valour.

His wounds were not healed, and until he recovered, he could be invested only with some stationary command. Washington, though he detested his vices, did not wish to leave idle, talents so distinguished. The English having evacuated Philadelphia, he eagerly seized this occasion to employ them; and directed Arnold to take possession of that city with some troops of the Pennsylvania-line;—a delicate charge for a man so prone to extend his powers, and define them according to his interests! It was not long before he displayed in this city a magnificence as foreign to the habits of the country, as it was unseasonable in the midst of the calamities of war. He occupied the house of Penn, the descendant of him whose virtues have endeared his name to the Pennsylvanians; and furnished it with a sumptuousness very opposite to the principles of that legislator: he even lodged in it the French envoy and all his suite on their arrival. From this time, too, he began to profess an extraordinary attachment to the French, and an unrivalled zeal for the alliance.

The magnitude of his expenses by no means suited his private fortune, and embarrassment soon followed. To retrench this idle luxury, to curtail his establishment, would have implied a degree of imprudence in the conduct of his private affairs; and he was too vain to make this admission. He preferred practising, in one of the states of the union, the same vexations which had rendered his authority odious to the Canadians. Under pretence of the wants of the army, he forbade the shopkeepers to sell or buy; he then put their goods at the

disposal of his agents, and caused them afterwards to be resold with a profit. At one moment, he prostituted his authority to enrich his accomplices; at the next, squabbled with them about the division of the prey. His country had overlooked his rapine and injustice, as long as they had for object a foreign people. But they were no longer to be borne when exercised at home. The patience of his new victims was soon exhausted, and they had recourse to the courts of justice. But, with his military authority as his shield, he set at defiance both justice and the laws.

He found, however, another antagonist in the president of the executive council of Pennsylvania, a man of a firm and upright character. This magistrate, after having endeavoured in vain to repress the overweening and predatory spirit of Arnold, laid before Congress a list of the grievances of the State against him, and this assembly appointed a committee to enquire into the subject. Arnold replied, and the arrogance which he indulged both in his writings and discourse, only served to irritate his adversaries the more, while it alienated his judges. Some members of congress were of opinion that he should be suspended from his military functions, until the investigation of his public conduct were brought to issue. But the accusation preferred against him was become an affair of party, and he had influence enough to cause this proposition to be set aside. He even pretended that the president, his accuser, persecuted him through hatred and envy, and he found some few not unwilling to believe him. In truth, to the eyes of persons of lax morals, justice and firmness too often wear the character of harshness and passion.

It has been said that the most violent among his enemies laboured to induce his soldiers to bear testimony against him; and even, that a promise of pardon, on this condition, was made to such as were his accomplices. But his vices had not impaired their attachment, and no one of them would consent to accuse him.

Meanwhile, after the committee of congress and "the joint committee of the general assembly and council of Pennsylvania" had held several conferences, they concurred in a series of resolutions to be moved to congress. The friends of Arnold in this body then declared themselves openly. It has been alleged, (although never proved,) that they had some relations of interest with him. We know positively that many of the delegates leaned towards indulgence; but of these several were influenced only by the consideration of the great services which the accused had rendered his country.

After much animated discussion, the resolutions proposed were adopted by a great majority. They were to this effect.

Resolved, That unanimity and harmony between the repre-

sentatives of the United States in Congress assembled, and each State individually, has been under God, the happy means of our past success, and the only sure foundation whereon to rest our future hopes of terminating the contest with Great Britain with honour and advantage.

That Congress is highly sensible of the importance and services of the State of Pennsylvania in the present contest, and regard with sincere concern and regret, every event which may tend to lessen the mutual confidence and affection which has hitherto subsisted.

That it is the full intention of Congress, on all occasions, to manifest the same just and equal attention to the said State and authority of Pennsylvania, as to any other State in the Union.

That any disrespectful and indecent behaviour of any officers of any rank, under the appointments of Congress, to the civil authority of any State in the Union, will be discountenanced and discouraged: and that a contrary behaviour will be considered as one of the surest means to recommend any officer to the favour and notice of Congress.

That the complaints against General Arnold be transmitted to his excellency the commander in chief in order for trial; and that the same be duly notified to the executive council: and that they be requested to furnish the commander in chief with the evidence thereupon in their possession.

As soon as Arnold could foresee that the resolutions of Congress would be of this tenor, he resigned the command which he held in Philadelphia.

The court martial appointed to try him, assembled at Morristown in the state of New Jersey. The army was encamped at a small distance. Arnold repaired to the camp, and employed every artifice of intrigue and persuasion to draw over the members of the court to his interests. He avoided at first, presenting himself before them; but the tribunal was as resolute as it was equitable and enlightened. In spite of numberless subterfuges, he was compelled to appear, and answer on each head of accusation. Relying upon effrontery to bear him out, he steadily denied every fact which was incapable of direct proof, or vouched only by public notoriety. The following passages of his defence could not fail to be recollected at another period. " I am ac-
" cused of having abused my authority in Philadelphia for the
" purpose of enriching myself,—if this part of the charge is
" true, I stand confessed, in the presence of this honourable
" court, the vilest of men; the blood I have spent in the defence
" of my country will be insufficient to obliterate the stain. On
" the honour of a gentleman and soldier, I declare to gentlemen
" and soldiers, that the charge is false."

As to the charges proved, he alleged in extenuation even the

disorder of his finances; he compared his case to that of the best citizens, impoverished like him by the revolution.—But these had generously sacrificed their fortune for the preservation of liberty, and Arnold had ruined himself by inordinate luxury, and by the very speculations in which he had embarked with a view to become rich. He dreaded nothing so much as a decision subversive of that fame which, now that he was threatened with the loss of it, he prized above every other good. But, notwithstanding all his efforts, this decision was pronounced on the 20th of January, 1779. It condemned him to be reprimanded by the commander in chief. Congress ratified it, and Washington, having caused the culprit to appear before him, performed the task with the considerate delicacy which he thought due to so distinguished an officer. "Our profession," said he, "is the chastest of all. Even the shadow of a fault tar-
"nishes the lustre of our finest achievements. The least inad-
"vertence may rob us of the public favour, so hard to be ac-
"quired. I reprimand you for having forgotten, that, in
"proportion as you had rendered yourself formidable to our
"enemies, you should have been guarded and temperate in
"your deportment towards your fellow citizens: exhibit anew
"those noble qualities which have placed you on the list of our
"most valued commanders. I will, myself, furnish you as far
"as it may be in my power, with opportunities of regaining the
"esteem of your country."

Arnold did not dare to interrupt this address; he retired, and so far from being touched by the marks of sensibility in his favour just given by his General, he evinced the keenest resentment at a sentence, which he pretended not to have in any manner deserved. He quitted the army, and, from this day forth, nourished an implacable hatred of the cause which he had so brilliantly defended. This sentiment once indulged, soon struck deep into his heart, and treason was the fruit naturally to be expected. Lost to virtue, the first time he hesitated between the fulfilment and the violation of his duties; he was lost to his country, the instant he could endure without horror, the idea of betraying her.

But his resolution was yet held in suspense, by an apprehension of the consequences of so heinous a crime. The epithets, every where odious, of traitor and rebel, already sounded in his ears. He was about to cast away all the glory which his past services had acquired for him at home, and these services even, would be crimes in the eyes of those to whom he proposed to sell himself and his country.

At times, in the bitterness of his despair, retirement and obscurity seemed preferable to any thing. But here his motives and feelings were quite different from those of Washington when, in withdrawing, twenty years afterwards, from public

affairs, this illustrious patriot set an example of moderation so worthy of being admired and followed. The young and ambitious Arnold could not taste of glory, without becoming intoxicated with it; privacy was not for him; he was too little master of himself to bear with composure the ills of fortune, and remain content, in a small village, with the reputation of a good citizen who had rendered useful services to his country. He conceived, moreover, the idea of taking refuge and hiding his shame among the Indians: and he, who was the enemy of all discipline, admitted the hope of bringing them, by means of his superior skill and great courage, to respect and obey him; of subjecting numerous tribes in succession, and becoming in the end a powerful and formidable chief. This visionary plan suggested itself in a meeting which he had with the Sachem or chief of the Illinois tribe. The Sachem, in proceeding to the camp of Washington, happened to take up the same quarters for the night as Arnold, who drew him into conversation respecting the customs of his race. A missionary, his companion, served as interpreter. Arnold asked, among other questions, whether the Indians held slaves. "All the men who inhabit our forests, who fish in our lakes, are free," said the Sachem: "As soon as a stranger is received among us, he is classed with our warriors. A warrior cannot be a slave, and I am not one myself, although I am their chief, and the least free of all."

The project just mentioned promised no gratification to Arnold's thirst of revenge, and did not long occupy his attention. As the most sacred ties were soon to be burst asunder at the instigation of this headlong passion, innumerable wild schemes offered themselves to his mind, and were successively rejected. In the midst of his irresolution, the idea occurred to him of addressing himself to the envoy of France. This was the Chevalier de La Luzerne, a man no less estimable for the ingenuousness and elevation of his character, than for the perfect rectitude of his judgment. With these qualities, he more completely gained the confidence of congress, and served his country more usefully than many negociators celebrated for their cunning and dexterity would have done. He was besides, unsparing of expense and splendor, more on account of the post which he filled, than from personal inclination or taste. But he was naturally munificent, and though his liberalities were devoid of ostentation, though he even studied to keep them secret, they were too frequent to remain in all instances unknown.

He had been charmed with the talents and bravery of Arnold, and took pleasure in testifying a particular predilection for him. He thought that, if it were wished to reclaim this man, it would be indispensable, to recollect only the glorious circumstances of his life. He continued, therefore, the same line

of deportment towards him as before his disgrace, and this generosity won the respect and confidence of the general.

Arnold waited upon him and spoke of the injustice of the Republic; he descanted upon his disinterestedness—a point which truly disinterested men never touch;—he complained bitterly of congress, who had sacrificed him to his implacable enemies. "It is," said he "the animosity of the government of "Pennsylvania that has ruined me; and how can such a body "be resisted, when it suits it to accuse? of what avail in this "case is the solitary protest of an innocent individual against "the clamours and calumnies of the band of panders and para-"sites that swell the train of power? But what better can be ex-"pected from those who administer our affairs? I admonish you "that things must continue to grow worse, as long as the reins "are allowed to remain in such unskilful hands. It is of conse-"quence to you, who are the minister of France, to attend to "this matter. I have shed my blood, for my country; she is "ungrateful. The disorder which the war has occasioned "in my private affairs may force me into retirement. I will "abandon a profession more onerous than lucrative, if I can-"not borrow a sum equal to the amount of my debts. The "bounty of your sovereign would be more agreeable to me "than any other. It concerns your interests that an American "general should be secured to you by the ties of gratitude, and "I can promise you mine, without swerving from my duty as "an American."

La Luzerne could not see, without lively affliction, such fine qualities debased by so much meanness. To pay a man that he might not desert the cause of his country, appeared to the envoy, to be taking away from duty and fidelity their principal merit. To pay him for the reverse was going as far as could be allowed even in a negociator not overscrupulous as to his means; but Arnold betrayed so much passion and indiscretion that the wise minister thought he would consult the public good in exerting his influence, for the purpose of inspiring him with other sentiments and dispositions.

"I wish," said he, "to meet the confidence which you show "me, with frankness and reason. You desire a service from me "which it would be easy for me to perform, but which would "degrade us both. When the minister of a foreign power gives "or, if you will, *lends* money, it is usually for the purpose of "corrupting those who receive it, and converting them into the "mere creatures of the sovereign whom he represents; or "rather, he corrupts without persuading; he buys and does not "secure. But the alliance formed between the king and the "United States is the work of justice and the soundest policy; "good-will and reciprocal interests are its vital principles. My "true glory in the mission with which I am entrusted, is to

"accomplish it without intrigue or cabal, without parade or "intricacy of negociation; without secret practices;—by dint "only of the conditions of the alliance. Hitherto, I have asked "nothing of congress which they have not immediately done "or granted; their foresight has, indeed, often anticipated my "requests. There is not one of my official measures that the "whole world may not know. Judge then, if I ought to render "you a mysterious service—you, one of the most illustrious "men of the United States, and whose military abilities make, "as it were, part of the public estate. What have you to offer "us as an equivalent for this largess, that would justify us "before posterity, for having thus tarnished the immortal "glory, which the independence of your country promises to "the French nation, and to her wise and generous monarch. I "will gratify your wishes, nevertheless, if you can, after re-"ceiving my presents, openly acknowledge them; but I easily "comprehend that this avowal is not meditated. There remains "for me, but one observation to make, concerning the state of "your pecuniary affairs; it is that your friends will be eager to "succour you, as soon as you adopt a system of order and "economy. Of this you may be assured."

"But, before you leave me, I wish to give you a proof of "my friendship a thousand times more precious than the gold "which I deny: I wish to point out to you the means of per-"petuating the fame you have already acquired, which, no "doubt, you wish to increase, and which you will infallibly lose "by pursuing the unhappy course you are now taking."

Surprise and anger were depicted in the countenance of Arnold, and his haughty spirit was about to give them vent. The minister perceived his emotion, and proceeded thus: "Ascribe the austerity and rudeness of my language only to "the deep interest for your welfare with which your ex-"ploits have inspired me. I should be more courteous towards "a man about whom I cared less. I shall continue as I have "begun; for there are things which honied phrases and feigned "respects only render more offensive. You threaten your fel-"low citizens with your secession, as a punishment of their in-"gratitude. The ingratitude of Republics, the injustice of "monarchs, is the common cry of the ambitious and the dis-"contented. They find as you do, that affairs go ill, from the "moment they cease to take part in them. These complaints "are not admissible. They should have been made, before the "estrangements or exclusion of the murmurers. This was the "time for lamentation, when they might be supposed to have in "view some valuable end or improvement which they were "indignant or distressed at not being able to compass."

"But I will take for granted that the court-martial dealt "with you too severely. Still—I say—leave complaining to the

"weak and the cowardly; show by your future conduct that you "have been truly unexceptionable in your past. Trust to time, "that faithful friend to virtue; it will work your justification. "Be it for others to proclaim that you are innocent; they will "be credited sooner than you.

"But, are you entitled to stigmatise those who have accused "you, as libellers? Look inwards, and say, whether you have "not been open to censure. Retirement is, in your situation, "the worst alternative you could embrace. Do you think it "pardonable, as long as the public dangers exist? And had you "even the right to withdraw, do you know how much is re- "quired to make privacy supportable to one who has passed "his life in public employments? It is, above every thing, ne- "cessary to be conscious of having uniformly done all practica- "ble good, and never intentional evil, in the posts you may "have filled. Is it you who can affirm, with the complacency "of conviction, that you have, invariably, in the discharge of "your official functions, aimed at the public good? If you can- "not do this, shun retirement; you will not have there the "recollections indispensable for your comfort. Do you flatter "yourself that you will have your relations and friends as sym- "pathising companions? Believe me, those friends are rare who "seek us out in disgrace, and neglect their own affairs to fur- "nish us with consolation. You are young;—you are, as it "were, only beginning your career. What resources have you "within yourself to enable you to live apart from the world, "when old men themselves have so few? Is your mind so in- "dependent that you will hear, without mortification, of the "successes of your rivals, and applaud, for the sake of country, "the good they do without you? The republic is yet in her in- "fancy, and you will see her grow in prosperity and happiness, "with the anguish of despair, at not having contributed to her "prosperity; at not rising with the state.

"Are you unfortunate? Be so with dignity; and if you still "persist in thinking you must withdraw, I will not dissuade "you from your purpose, if it be true that you can—to use a "strong figure—dissipate the obscurity of your retreat by the "radiance of an honourable and irreproachable life. But, rely "upon my friendship; let your resentment cool, before you take "your determination; cherish your ambition, because, at your "age and with your abilities, it may yet conduct you to noble "ends: duty, however, should be its guide. Their union con- "stitutes true greatness."

This discourse did not subdue a man of so violent and obsti- nate a character, and to whom all sober counsel had become hateful. The embarrassment of his affairs was, indeed, such as that private aid would not suffice to extricate him. He had, the year before, formed a partnership with some owners of priva- teers, who paid his share of the expenses of equipment, and

expected to be compensated for their advances by his countenance and protection; but the chances were adverse in this hazardous game, and instead of profits to be divided, there were losses to be borne. Arnold, now without credit or authority, was no longer, for the owners, any more than an ordinary partner. They exacted his proportion of the loss, and the knowledge of his difficulties only served to render them more urgent in their suit. In this extremity, he tried a last resource.

Congress, at the commencement of the revolution, committed an error which proved of great detriment to the finances. It entrusted some officers with agencies which had no immediate connexion with the business of command or military service. Arnold, the least proper for such trusts, was charged with considerable ones, and had heavy accounts to regulate for monies and other supplies furnished in the expedition to Canada. His claims were large, and the commissioners to whom they were referred for settlement, reduced them to a small amount in comparison. He appealed from their decision to Congress, which body, far from answering his wishes, pronounced that the commissioners had shown more lenity than rigour in the liquidation of his accounts.

Disappointed in all his expectations, Arnold took, at last and irrevocably, the determination to betray his country. This project now monopolized his thoughts. In revolving the means of carrying it into prompt execution, he studied particularly those which might render the crime so useful to England, that it must be viewed as a service calling, by its importance and brilliancy, for an entire oblivion of his share in the revolt of the colonies. He wished to be regarded as a subject returned to his allegiance, and worthy of the honourable rewards due to faithful and virtuous citizens.

As a first step, the British commanders were to be made acquainted with his discontent, but in so guarded a manner, as to leave a retreat open, in case the offers which might be made to him, should not prove satisfactory. Particular circumstances facilitated the communications between them.

In those revolutions which subvert established authority with violence, or suddenly transform the constitution or government of a state, nothing is more common than to see deserters from one side to the other. Some think themselves ill-requited for their fidelity; others for their rebellion. Some view with jealousy the advancement of their rivals; others dread the overthrow of their party, and look wistfully towards that which they have been so unlucky or improvident as not to prefer: all do not push forward with the same perseverance, and an equally sure step in the slippery path on which they have entered; many trip and fall.

We have less, however, of indecision or inconstancy among the founders of the republic of the United States. The royalists

and the republicans separated at first; and when each party had declared itself, there was scarcely an instance of defection from either. It is true that whole sects, such as that of the quakers, kept entirely aloof from the war, and the republicans acquiesced in their seeming neutrality; well assured, however, that the hearts of most of them were with the enemy. Although born in the colonies, some of these religionists existed there as a foreign tribe, insulated, and consoling themselves for their privations with the expectation of a deliverer. Other families, not restrained in the same manner by pious scruples, cherished the same attachment for England; and so great was the prevailing moderation of spirit, that they were tolerated in the bosom of the republic. Those who governed it foresaw that, in the end, dissimulation would be of no use to the malcontents; that their regrets must gradually subside, and even their hopes disappear before the general will, and under the empire of laws approved by all the rest of the citizens.

The majority of the disaffected, called tories, were therefore, left unmolested in the possession of their property, the enjoyment of their preference for the old order of things, the indulgence of their inveterate habits and the practice of their professions. They were merely shut out from public employments, and thought sufficiently disabled and punished by this exclusion.

The rest, insignificant as to number, persisted a long time, from false views of interest, in rejecting the overtures of the wise and moderate who believed that nothing could justify an injustice; but considered it, at the same time, if impressed with the seal of law, necessity, and time, as having become irrevocable, and open to reparation only through the efforts and common sacrifices of the whole community.

It was from one of the disaffected families, that Arnold selected his wife. He loved her with passionate fondness, and she deserved his attachment by her virtues and the solidity of her understanding. In addition to these advantages, she possessed an extraordinary share of beauty, distinguishable even in a country where nature has been prodigal of her favours to the sex. A considerable time before this marriage, when Philadelphia was still in the hands of the enemy, the relatives of the lady had given an eager welcome to the British commanders. Their aversion for the revolution was well known. It was therefore matter of surprise that Arnold should thus connect himself with this family; but the Americans then enjoyed their rights with the temperance that best becomes liberty, and he was pledged to the republic by so many services rendered and benefits received, that the alliance gave umbrage to no one.

The wisest of the revolutionary leaders had the habit of remarking, that, in politics, the opinions of men alone deserved attention;—that women, if they made good wives and mothers,

should be left at full liberty in all other matters. The doctrine seemed to have no inconvenience, because the greater part of the women of America were sincerely attached to the revolution, and had proved this attachment in a multitude of instances. Still, at so critical a juncture, the moderation of this policy bordered on imprudence, and the marriage of Arnold may be enumerated among the causes of the perversion of his first feelings towards his country.

The leaders of the disaffected had, thenceforward, free access to him; he learned, insensibly, to listen to their murmurs and regrets;—soon,—he began to reprove with them the conduct of the republicans; to applaud that of England, and to condemn in every particular the alliance with France. His new friends exhorted him to some brilliant deed of revenge that should efface the outrage which he had suffered by the sentence of the court-martial. They told him that the affectation of neglect with which he was treated was so much the more injurious, as there was, perhaps, no one more worthy than himself, of being invested with the supreme command. "If any thing," would they add, "could drive so able an officer, as you are, to despair, "it were the necessity of obeying the orders of a general, who "furnishes, daily, new proofs of the mediocrity of his talents. "Look to other auspices for an opportunity of displaying your "valour and enlarging your fame."

The sound judgment of Washington, his steadiness, and ability, had long since elevated him above all his rivals, and far beyond the reach of envy. His enemies still laboured, however, to fasten upon him as a general, the reproach of mediocrity. It is true, that the military career of this great man is not marked by any of those achievements which seem prodigious, and of which the splendour dazzles and astonishes the universe;—but sublime virtues, unsullied with the least stain, are a species of prodigy. His conduct, throughout the whole course of this war, invariably attracted, and deserved the veneration and confidence of his fellow-citizens. The good of his country was the sole end of his exertions—never personal glory. He has been charged with allowing his opinions to undergo, towards the close of his life, a change which some have ascribed to the weakness of age; others to resentment for a heavy affront.—As for me, I speak only of things of which I was a witness. In war and in peace, Washington is, in my eye, the most perfect model that can be offered to those who would devote themselves to the service of their country, and assert the cause of liberty.

As soon as the English commander was apprized of the dispositions which Arnold discovered, he spared no pains to consummate his defection; and dispatched emissaries charged with such offers as were most likely to determine a man, whose hesitation was only about the means and conditions.

Certain of his proceedings about this period, which were afterwards noted, warrant the supposition, that he at first meant to tamper with some of his brother-officers; but relinquished this design on more mature reflection. The conspirator who admits confidants, gives himself masters; and has every thing to fear from them—indiscretion, weakness, remorse.—He usually associates with himself, men who have no other gage to offer than their vices, their avarice, and the derangement of their affairs. Such persons may, indeed, be able to close their hearts to friendship, conjugal and paternal tenderness, filial piety, gratitude, and patriotism. But can he expect from them that fidelity, that courage, that constancy, that kind of probity, which is indispensable even in conspiracies; that mastery of the passions which is so rarely found in alliance even with the loftiest virtue? Most conspiracies have, indeed, failed rather through the treachery of accomplices, than from defects in the plan, or injudicious arrangements on the part of the leader.

How many advantages, on the contrary, does he not enjoy, who confines the secret of his plot to his own bosom! He hastens, or retards the execution of it, at his pleasure; he has neither traitors nor cowards to fear and watch. He has, it is true, a heavier task to perform; but he runs less danger. He is the more easy, as those whom he employs in the promotion of his scheme, second him unwittingly, and inspire others, by their example, with the security which they manifest. He will discover his purpose, then only, when things are so far advanced, that even the most timorous shall be constrained to follow him, and shall not dare recede a single step.

Arnold, though resolved to have no confidant among his fellow-citizens, revealed his final determination to his wife, who was but too well inclined to approve. His next concern was, to have it safely conveyed to the general of the enemy. Too wary and suspicious to commit himself to the discretion of the English emissaries who frequented his house, he took good care that nothing of his real intentions should be divined by these subaltern agents. There was, at New York, a man whom he thought he could trust without risk. This was, Charles Beverly Robinson, an American by birth. He held the post of colonel in the British army; but his landed property, and all his fortune lay within the United States. His mansion even, by which the great river Hudson flowed, was included in the American lines, and situated three miles lower than the forts, upon the opposite bank. The commanding officers of West Point, having found it deserted, had made it their quarters.

Arnold wrote to this officer, that the ingratitude of his country, and other considerations to be afterwards disclosed, had produced a change in his political sentiments; that he aspired to merit thenceforward the favour of the king; that he could ren-

der signal services; and wished to enter into a correspondence on the subject with Sir Henry Clinton.

This overture was well received, and, a direct communication with the English general being established, it was agreed, that Arnold should dissemble, with the utmost care, his discontent; that he should make every effort to obtain a command from General Washington;—that as soon as he succeeded, he should consult with Sir Henry Clinton as to his ulterior movements, and be guided by the instructions which would be given to him.

From this time, in fact, he entirely altered his manner and language. He affected to have forgotten the affront of the reprimand, and pretended to feel a more lively attachment than ever to the cause of independence.

Congress had just been informed, by the Chevalier de La Luzerne, of the sailing of the French army, under the command of Count de Rochambeau, and the most profound secrecy had been enjoined upon the whole assembly. This was not, however, universally observed, and Arnold heard the news, with the attention it merited, from an inconsiderate member. A knowledge of the plan of operations arranged for the campaign, was of great importance to the success of his schemes. He presumed that it must be deposited with the envoy of France. Although he had abstained from visiting him, after the repulse of which I have spoken, he was not ignorant that the minister continued to bear him much good will; and he had no difficulty in procuring an interview.

Arnold told him that he hoped the arrival, now expected, of the French army, would bring the war to a speedy conclusion; and then veiling his curiosity under the appearances of a very natural solicitude for the success of the expedition, he tried every means to learn where the army would debark, and when it would form a junction with that of Washington.

To questions more adroit than modest, the envoy replied at first, with a mixture of frankness and reserve, "I talk of these matters only with the Committees whom Congress appoints to confer with me." But he added, that the plan of operations would be settled in a conference between the commander in chief and the French general, and that commissioners who left France before the army, had just arrived, and announced to him that the squadron must have sailed a few weeks after their departure. This last revelation would have been, perhaps, ill-timed and unnecessary, even if made to a friend worthy of confidence. For Arnold, it was a precious discovery, although seemingly of little importance. It determined him to precipitate his defection.

The country through which the Hudson flows, was the principal theatre of the war. A station in this quarter would, he thought, best answer his purpose. He was well acquainted with

the localities. He examined with minute attention, in what spot, by what operations, he could most beneficially second the enterprises of the British, and which was the most important position to betray into their hands. When his plan was once fixed, his confidence in the resources of his genius made him sure of success.

The Hudson, which is also called the North River, takes its rise near the frontiers of Canada, in mountains inhabited by savage tribes, who were then enemies of the Americans, and formidable for their craft and ferocity. The river has a wide and deep bed. Frigates, and even stouter ships, can ascend as high as within twenty leagues of Albany, at a distance of more than one hundred and fifty miles from the sea. At this point rocks impede the navigation for large vessels. The river traverses the state of New York, and divides the territory lying to the east of Pennsylvania into two parts unequal in surface, but mutually dependent in time of war. Several cities have been built on its banks. Saratoga, consecrated by the defeat of Burgoyne, is only at a small distance. Among the cities, I should notice Albany, inhabited by families from all parts of Europe, who had not lost their vernacular languages; and Hudson then just beginning to rise, and which a few years have enlarged to a considerable city. You remarked also, on the left, the beautiful seat of the Livingston family, whose virtues and intelligence, ministered so usefully to the cause of independence. The river forms a vast and convenient port before the city of New York, and, a little below, empties itself into the sea.

The present aspect of this country verifies the glowing prediction made by Congress to the people of the Union, at an epoch when the posture of affairs was such as to beget a general discouragement. "Every country, if free and cultivated, will pro-"duce as many inhabitants as it can contain. Hence we may "form some idea of the future population of these states. Ex-"tensive wildernesses now scarcely known or explored, remain "yet to be cultivated; and vast lakes and rivers, whose waters "have for ages, rolled in silence and obscurity to the ocean, are "yet to hear the din of industry, become subservient to com-"merce, and boast delightful villages, gilded spires and spacious "cities, rising on their banks."

If the English could have made themselves masters of the Hudson, they would have cut off the communication between the two banks, and operating upon one or the other at their choice, would have found the Americans reduced to half their force, wherever they might have attacked them. On one side of the river were the arsenals and the park of artillery; on the other, magazines, and stores of every description. On the east, the country, abundant in cattle, was ill-provided with grain; on the west, grain only was to be found; so that it became impossi-

ble to maintain an army for more than three months, on either side, without a ready communication with the other.

During the preceding campaign, the British ascended the river freely in their armed ships, and it required such immense works to obstruct the navigation, that they believed Congress to be little disposed to undertake, and still less able to execute them.

The arrival of the army of French auxiliaries admonished the English commanders, however, that a great crisis was approaching, and that they had been guilty of a capital error, but too common, in omitting to push the war with the utmost vigour from the commencement.

Washington, on his part, had formed the project of shutting up the British in New York, and he could not accomplish it, without first excluding them from the Hudson. Engineers of great skill had been sent to him by the French government. He commissioned them to survey the banks of the river, upon a line of twenty leagues, in ascending above New York. They ascertained that the most advantageous position for his purpose, was at West-Point. This is the name of a hill situate on the west side; it is composed of huge crags, and blocks of stone, which nature has heaped fantastically, one upon the other. It protrudes into the middle of the river, impels its waters upon the opposite bank, and narrows it to less than half a mile in breadth. According to some, this rock might, formerly, have extended entirely across. Whether the Hudson, in progress of time, forced a passage through the mighty mass, or the opening were effected by some other agency, the waters which, from their source, flow from north to south, are suddenly diverted into a deep and narrow bed, and form a sort of half-cincture about the Point; taking then their original direction, they fill, as far as New York, a channel worn by ages, and in many parts a league and a half wide.

New York was, at this time, in the hands of the British, who had assembled there the greatest part of their troops. The fortress of West-Point, unrivalled in importance during war, is distant twenty leagues from this city. The cliff on which it stands, rests against a lofty ridge broken into small eminences that form a kind of amphitheatre; it is washed below by the river, and terminates above in a *plateau*, upon which the principal works are constructed. The most considerable of these bears the name of the American General Clinton. The declivity is exceedingly steep nearly all around, and the only side on which the enceinte is accessible, was thickly palisaded and defended by batteries. An escalade, the sole mode of carrying the works, could not be attempted but with extreme hazard. There are several redoubts upon the eminences which command fort Clinton, and one of them is

called after Putnam, a general renowned for feats of extraordinary prowess. These redoubts covered each other, the garrisons and the ammunition-stores were under casemates which no bombardment could affect. The works were, in part, hewn in the rock, and partly constructed with enormous trunks of trees felled on the spot: they communicated by defiles. It was a groupe of strong-holds, connected by a common system of defence; and it might have been apprehended, that, with this complicate arrangement, there would be no security for the lower forts, if an enemy succeeded in making himself master of the upper; but the ruggedness of the grounds, thick woods, and numerous abattis, rendered the transport of artillery impracticable, and common prudence would forbid an assailant to entangle himself in the defiles.

These impregnable fortifications would not, of themselves, have commanded the navigation of the river. Another kind of work had therefore been added. Constitution-Island divides the bed of the Hudson unequally, at the bend which it makes before West-Point, and the western branch is nothing more than a shallow, marshy bottom. The island is a pile of bare rocks; the approach was defended by batteries on a level with the water, and the glacis formed in the rock might bid defiance to trenches. A heavy chain cramped into the rocks of the island at one end, and at the other into those of West-Point, and supported at intervals by buoys, stretched across the angle made by the river, and formed an effectual bar.

This chain was in some sort the centre and bulwark of all the defences, and the other works which covered the two banks of the river at its bend, were destined to protect it. Twenty pieces of heavy ordnance discharging grape, menaced those who should attempt to cut a link, and would have sunk their boats in a few moments. The trial might be made by means of a vessel beaked with iron, and driven against it with the whole impetus of wind and tide; but the chain moving upon a roller at one end, would lengthen and grow slack; the shock being thus broken, the chain stiffened again, and the vessel turned aside, must be stranded on one or the other shore, and remain exposed to the fire of the batteries, many of which could be brought to bear at the same time upon all points of this strait. These forts were provided with all necessary munitions, and defended by four thousand men. They had been built in the course of a single year, and—what is worthy of remark—at no expense. Soldiers, who received no pay, had raised them with their own hands; French engineers had superintended the execution of their own plans,—in the utmost detail, and without any emolument whatever. What salary could have vied with the honour of being thus useful!

When these works were finished, the English became sen-

sible, though too late, that they should not have left their enemy either the means or the leisure to construct them. They were not in a situation to carry them by open force, and must renounce offensive operations, while the river continued impassable so near to New York.

Arnold aimed at the chief command of this important post. He was not unconscious that a general who sells himself to the enemy, forfeits, in that instant, whatever glory, esteem, or fame he may have earned; that his laurels are blasted by his treason, and that the nation who buys him, looks rather to the extent of the injury which she inflicts on her adversary, than to the value of the acquisition which she herself makes. He could not consent to be received as a deserter; and since he must despair of being able to carry over with him, even a single battalion of the army, he concluded to betray into the hands of the British all the forts of West-Point, with their garrisons, and the arms and immense stores which were deposited there; for, Fort Clinton contained, besides the ammunition necessary for its own defence, the stock of powder of the whole army, lodged in one of its vaults.

The command of the fort had been entrusted to General Howe, an officer of tried courage, but of limited capacity, and who could be employed elsewhere, without inconvenience to the service. The wounds of Arnold did not as yet allow him to mount on horseback;—they did not disqualify him, however, for conducting the defence of a citadel. He had early secured the patronage of some of the leading men of the state of New York. Although the laws of that state enforce a complete equality of rights, there are, still, families who possess much influence, and a kind of patrician dignity acquired by merit and talents, a more liberal education, an independent fortune, and hereditary services. It is an actual nobility in a country where we suppose none to exist; but, it descends to the son only with the virtues of the father.

Livingston, then a member of Congress, wrote to the commander in chief recommending Arnold for this post. General Schuyler repaired to camp, from his residence in Albany, in order to support this recommendation. Washington knew that Arnold had made no effort to retrieve his character, since the reprimand; he showed, therefore, at first, some repugnance to employ him; and, when Schuyler persisted in his solicitations, said to him—"I cannot easily give my confidence to a man "of so bad a reputation."—"Recollect," answered Schuyler, "that, in revolutions, we have it not always in our power to "cull from among immaculate men. Such as Arnold, faulty as "they are, may render important services. There is, besides, "danger in leaving them to themselves, and in idleness. It "would be safer to overlook good men." He showed Washing-

ton, at the same time, a letter in which Arnold expressed a strong desire to be relieved from his state of inaction, and to render new services to his country.

The commander in chief, thus importuned, finished by saying, "The campaign is about to be opened; our army is to advance "very near to New York; we shall leave West-Point behind "us; this post will be of no great importance, and a few inva- "lids will be sufficient to guard it. I think that such a station "will not suit the enterprising character of Arnold. Moreover, "there are no degrees in confidence: It must be given, particu- "larly in war, entire, or not at all. I know his talents, and if I "consent to employ them, I could wish it to be, in attacking, "and not awaiting the enemy. I desire to converse with him, "and make other propositions. However, if he continues to "prefer West-Point, he will not experience a refusal."

Arnold, when made acquainted with this reply, anxiously dissembled the joy which it gave him. He proceeded to the camp, and thanked the commander in chief for his confidence, without evincing, however, any extraordinary satisfaction. "I "wish," said Washington, "to place you in a situation which "will afford you the opportunity of re-instating yourself in the "affections of your fellow-citizens, and may, at the same time, "be worthy of so excellent an officer. The British meditate an "expedition, which will oblige them to weaken the garrison of "New York. A part of their army is already embarked, and "if this detachment should sail, I will seize the occasion to at- "tack the city. I propose to you the command of the left wing "of the army with which I shall advance."

This offer must have tempted a man so greedy of fame;—he had, however, gone too far to recede. He again alleged the condition of his wounds, and repeated, that, until they were fully healed, he coveted no other command than that of West-Point; but that he hoped to be, ere long, fit to march whithersoever he might be called. Washington heard this excuse without distrust, and assented to his wishes with the remark, that he consigned him to West-Point, until he was able to accept a command more worthy of his talents.

The news of the appointment soon reached Philadelphia, and Mrs. Arnold received it in the midst of a large assembly. Her emotions were so powerful that she swooned; no one could then suspect the cause; and her agitation was ascribed to the joy which she experienced at the re-establishment of her husband in the confidence of Washington. But for this incident,—so profound was the dissimulation of Arnold,—it would never have been known that he had disclosed his plans to his wife.

Arnold, a traitor to his own country, was apprehensive lest those to whom he was about to sell himself, might prove treacherous to him. He felt anxious to receive the price of his

ignominious bargain at the moment of its ratification: but he could extort nothing more than a promise of thirty thousand pounds sterling, and the assurance that he should be maintained in the British army, in the grade of Brigadier-General, which he already held at home.

Such were the rewards for which he stipulated with the English the subjugation of a people who fought to become the freest, and who will soon be among the most powerful, of the earth!

About a month previous (10th July, 1780,) the first division of the French army arrived at Newport, in the state of Rhode Island. Circumstances became every day more and more critical for the English. Sir Henry Clinton had relinquished his projected expedition. He urged Arnold to fulfil his engagements and supposed the thing easy for a general who was master of the forts and the river; but there were, in fact, numerous obstacles in the way, and of these, the presence of the commander in chief was the most serious. Arnold knew his vigilance and activity. He insisted, therefore, with Clinton, on the necessity of deliberation, adding, however, that all should be in readiness to improve the first favourable opportunity which fortune might tender.

A young officer of foreign extraction, served in the British army. He was endowed with all the qualities which render a man useful to his country, and dear to society. This was JOHN ANDRE, Adjutant-General of the Army. Clinton had taken him as his aid-de-camp, and did not disdain him as a counsellor. While Philadelphia was in the occupation of the British, André contracted ties of friendship with the parents of Mrs. Arnold; he was received into their house and among their children, with the familiarity which the manners of the country authorise, and which is there found compatible with the utmost purity of morals, and strictness of decorum. This friendship was kept in vigour after the evacuation of Philadelphia, by a commerce of letters which still continued. Arnold was privy to the circumstance, and the first to request, that André should be made the depositary of all the particulars of the enterprise which he meditated. Clinton had the same wish, and in committing this business to him whom he deemed most capable of managing it well, he gratified his young friend with a sure opportunity of meriting the most distinguished favours as the reward of a masterstroke which was to terminate the war.

A correspondence ensued between Arnold and André under the supposititious names of *Gustavus* and *Anderson*. Mercantile relations were feigned to disguise the real object, and an American, whose dwelling stood between the lines that separated the two armies, served as a common messenger.

At this period, the rumour began to spread of a second divi-

sion of the French army having sailed, and that Washington only awaited its arrival to begin the siege of New York. The marshal de Castries who then administered the department of the marine with so much reputation, had, in fact, advised the French envoy, of the approaching departure of a second expedition. Occurrences foreign to this narrative, determined it otherwise.

Clinton, however, caused Arnold to be told that it was time to act; that a day must be fixed for the surrender of the forts, and that, if time were given to the allies to effect a junction, it might no longer be in the power of Arnold himself to fulfil his engagements. He asked also, plans of the forts, and the instructions necessary for the safe guidance of the British troops when they were sent to take possession of West-Point.

Arnold replied to these new importunities in the language concerted with André. " Our master goes away the 17th of this " month. He will be absent five or six days: let us avail our- " selves of this interval to arrange our business. Come imme- " diately and meet me at the lines, and we will settle defini- " tively the risks and profits of the co-partnership. All will be " ready; but this interview is indispensable, and must precede " the sailing of our ship."

It was thus that Arnold apprized Clinton, of the approaching departure of the commander in chief. Washington had, in fact, given a rendezvous to Count de Rochambeau, general of the French land-forces, and to the Chevalier *de Ternay*, commander of the squadron. They were to meet at Hartford, in Connecticut, to confer about the operations of this and the ensuing campaigns. But Arnold was not correctly advised as to the period of Washington's departure, and the mistake led to important consequences.

He had, in other letters, solicited an interview with André, and he now exacted it as a condition indispensable for the prosecution of the enterprise. Hitherto, every thing had succeeded beyond his hopes. There had been a total absence of those mysterious rumours, and vague surmises, which accompany and seem to portend a great conspiracy: Never had so momentous a plot been more felicitously brought so near to its execution. This profound secrecy was owing to the precaution of Arnold, in not having unbosomed himself to any of his own countrymen, and in admitting only André and Beverley, as correspondents. He took credit for this policy, and his instances for an interview with André, arose chiefly from his resolution to confide to the hands of this officer alone, the maps and particular information which Clinton demanded.

On the other hand, the English general saw more danger than utility in the measure. He refused to authorise it when it was

first suggested, and feared lest, by multiplying precautions, a plan otherwise so well conducted, should be defeated in the end. But André, who was to reap the chief honour, burnt with impatience for its termination. He had even conceived a hope no less flattering to his ambition than the project of occupying the forts; which was, to reach them on the very day of Washington's return, so as, if possible, to make prisoner of the general. But he withheld this idea from Clinton, under the apprehension that he might not deem it quite so feasible, and satisfied himself with requesting permission to meet Arnold. The English general acquiesced at length, and in leaving the management of the affair entirely to his discretion, exhorted him, to consult his prudence, more than his courage which could never be in default. "The war was to be finished at one blow, and the highest honours to be his reward."

The 17th of September, the day specified for the departure of Washington, passed, and he was still at West-Point. Arnold advertized Clinton of the delay, and explained his mistake by mentioning a circumstance which had not been before noted. The 17th fell on a Sunday, a day which the Americans consecrated entirely to the duties of religion, and on which most of them abstained even from journeys, which, elsewhere, would be thought indispensably necessary. Clinton admitted this explanation the more readily, as he knew that Washington respected the scruples of others, and was himself very religious.

To obviate untoward accidents, it was agreed that André should leave New York only on the 19th September, and reach the American forts about the 20th. The youth, now at the summit of his wishes, and probably exulting at the prospect of personal dangers which would give lustre to the exploit, embarked in the night on board the *Vulture* sloop of war. Clinton sent with him Beverley Robinson, the colonel through whom Arnold had made his first overture. He expected, that the prudence of this officer, would moderate the ardour of André. Moreover, Arnold occupied Robinson's house, and the private affairs which the latter as a refugee had to adjust with Congress, furnished a plausible pretence for approaching the American lines and posts. On the 20th of September, they arrived almost opposite to fort Montgomery, situated on the same side as West Point, five miles lower down. They cast anchor in sight of the nearest American redoubts, but beyond the reach of some small cannon, the only artillery of those redoubts. The *Vulture* got aground at low water. The movement on board, and some signals which she made, alarmed the vigilance of Colonel Livingston, who commanded at Verplank's Point, and had gone out of the fort to observe what was passing. He ascertained, on reconnoitring, that the sloop might be sunk by one or two pieces of heavy cannon; and as those of the forts which he commanded,

were of too small a calibre, he requested larger from Arnold. The general refused them; to the great surprise of Livingston. But tacit obedience is the life of discipline, and he acquiesced in some idle excuse.

Two days elapsed after the Sunday, and still Washington had, apparently, made no preparations for departure. Arnold was himself uneasy at this disappointment, but the apprehension of exciting suspicion by too frequent communications, prevented him from making it known to Clinton. The English general was informed of it, through another channel. He knew the unprincipled character of Arnold, and could comprehend the probability of a snare masked by a counterfeit scheme of treason. He was the more disquieted, as André and Robinson were already far on the way, and there was equal inconvenience in leaving them ignorant, or advising them of their danger. If Arnold were sincere in his defection, their return to New York would disconcert all his measures, and expose him to serious risks. If he deceived the British, all the risks were for André and Robinson.

They had not as yet, been able to communicate with the shore, but persuaded that Washington must have set out for the conferences of Hartford, they put in execution a stratagem arranged beforehand with Arnold, to facilitate the rendezvous. Robinson wrote to the American general Putnam, as if to transact with him business relating to his property, and proposed an interview. In this letter was enclosed another addressed to general Arnold, wherein Robinson solicited a conference with him, in case Putnam should be absent. The packet being directed to Arnold, would be opened only by him; but if, perchance, it fell into other hands, the whole could be read without exciting suspicion of a plot. This letter was despatched to the shore by a flag of truce as soon as the sloop had cast anchor. It happened to be on the very day fixed by Washington, for his departure. He had never meant to set out earlier, and had neither sanctioned nor contradicted the various rumours current on the subject.

He left his quarters in the morning, and on reaching the bank, found Arnold there with his barge, ready to transport him to the other side. In crossing, Washington remarked the sloop with the English flag, and took a spy-glass to observe her motions more narrowly. Some moments after, he gave to an officer near him, in a low voice according to his usual manner, an order probably of no consequence, which Arnold was unable to overhear.—Arnold was guilty, and whatever he could not immediately penetrate, alarmed his fears. He supposed that the General could not remain ignorant of the circumstance of the flag of truce, and doubtful even whether he might not be already acquainted with it, he thought it well to show him the

two letters which he had received, asking him at the same time, what course he ought to pursue. Washington, in the presence of several persons, dissuaded him from seeing Robinson, and directed him to give for answer to this officer, that his private business appertained exclusively to the jurisdiction of the civil authority. They touched the shore just as this conversation ceased. The commander in chief, whose presence kept Arnold in the greatest perplexity, landed, and pursued his journey to Hartford, with his ordinary celerity. Thus was the main obstacle removed, and the plot could proceed.

An extraordinary concurrence of circumstances placed in the hands of Arnold, the most important post of the United States, and removed, for several days, both the American and French commanders, from their armies. The minister of France himself had repaired to Hartford, as well as other personages, whose absence interrupted those counsels and measures, which the treason, had it succeeded, would have rendered more necessary than ever. On the very day before, admiral Rodney, as if guided by the benign stars of England, had arrived from the West Indies at New York, with ten sail of the line;—a reinforcement which gave the English a great superiority over the French squadron in the American waters.

The opinion uttered by Washington in such positive terms, concerning the conference with Robinson,—the order heard by several persons present,—became, however, a law for Arnold, with respect to his ostensible conduct. It was, in this way, the first obstacle that thwarted the measures concerted between him and André. They could not meet publicly, under the auspices of a flag of truce, and though André had used this means to reach the lines, they were obliged to arrange a secret interview.

I should not omit to notice in this place, the just censures that have been passed on this abuse of a signal, under shelter of which mankind have stipulated to approach each other with pacific intentions, even amid the fiercest animosities of war. Hostilities are, at once, suspended at the sight of a flag; enemies hold discourse, and agree upon matters of reciprocal utility. The most savage nations make known to each other by established signals, that they wish to parley—even upon the field of battle—and they respect those signals. It is true that the laws of war have not prohibited the seducements by which a general of an enemy is led astray from his duty: But to employ a flag of truce, in order to advance a scheme of treason, is to hide the sword under the olive-branch,—to sever the last tie that can unite the species, when those of benevolence and humanity are dissolved. One regrets to see so high-minded a soldier as André, so little scrupulous on this point. It is not, however, to be concealed, that those who tamper or combine in schemes of treason, can hardly be fastidious about the choice of means. The

English, who so religiously fulfil private engagements, did not always, in the course of this war, hold themselves bound by the law of nations; and, if we are to credit the American publications of the day, this was not the only instance in which the universally acknowledged rules of human intercourse were violated. Although the Americans were independent in fact, their enemy thought himself entitled to treat them, until the conclusion of peace, as rebellious subjects; but even in this case, good faith was equally to be observed.

On the morning after the departure of Washington, Arnold sought out a man called Joshua Smith, well known to be devoted to the English, although he resided within the American posts. He made him the bearer of two passports to be carried on board the Vulture, one for André under the fictitious name of *Anderson;* the other, for Charles Beverley Robinson, who had not the same interest in practising this disguise. He charged him with a letter also, in which he urged them to repair to him on shore. Smith waited until night-fall, and then proceeded to the English sloop in a boat which Arnold had provided for him.

André and Robinson, expected that Arnold would himself visit them, and were surprised when his emissary Smith appeared before them alone. Robinson declared that he would not go on shore, and used every effort to deter his companion: But the young man, full of impatience and ardour, saw only the chances of success; would listen to no remonstrance; and could not brook the idea, either of returning to New York without having executed his mission, or of exposing the main enterprise to miscarriage, by a caution which his rivals would infallibly stigmatize as cowardice. He put on a grey surtout, to hide his uniform, and accompanied Smith on shore. Arnold was waiting to receive him, at the water's edge. They discoursed there for some time, but as they were liable to be surprised, Arnold led him towards the house of Smith. The night was dark. André, engrossed by the conversation, did not at first perceive that he was no longer on neutral ground; but he was soon reminded of his situation by the challenge of the American sentinels, and by the order which Arnold gave to Smith, on entering his house, to watch the movements of the detachments that were in the neighbourhood. The Englishman was then sufficiently aware of his danger; but complaint would be fruitless, and, perhaps, detrimental to his projects. He, therefore, dissembled his discontent.

The American general immediately laid before him plans of the forts, a memoir composed (for a better use,) by the chief engineer Duportail, on the means of attacking and defending them, and minute instructions with respect to the measures to be taken by the British for the occupation of them, when he Arnold should do his part in opening the way. They presumed

that Washington had already reached Hartford, and they were right; for he was there, at the same hour, in consultation with the French commanders.

The conferences of Hartford determined the operations of the campaign of 1781. The peace which it induced is one of the most memorable events of the eighteenth century;—one of the most glorious for the French nation. The memoirs which contain the details of the interview of the French and American generals, have been preserved, and will be most important documents for the history of France during the American war. The discussion of the various plans proposed, as it is recorded in these memoirs, will be found to exhibit, on the part of the French, a generous impatience, and an ardent desire of testifying, by brilliant exploits, their zeal for the cause of liberty;—on that of the Americans, invincible resolution and calm judgment. All opinions were united, by the imposing wisdom of Washington and Rochambeau, in a project which was crowned with perfect success. Thus did these generals make fast the foundations of the independence and liberty of one of the most considerable countries of the globe, on the day—at the very moment even—when Arnold was contriving its subjugation, at the expense of his own fame and honour.

I must venture here upon a slight digression for the purpose of indicating one of the chief causes of the success of the French expedition to America:—to wit, the excellent deportment of the small army which was sent thither. The leaders were as prudent in the choice as they were energetic and persevering in the execution, of their plans. The soldiers were as steadily obedient as if they had been in garrison in a city of France. The veteran French regiments took their station, not only without repugance but with alacrity, by the side of the newly-raised American troops who could, indeed, already boast of numerous victories, and shining exploits.

Many of the French leaders bore names illustrated by virtues and renown through a long series of ages. They found the American army conducted by generals and captains drawn from all professions,—from such as have no affinity with that of arms, and even from those which would, in Europe, seem to be quite opposite. Nevertheless, an unconstrained, cordial equality sprung up at once; the new comers had entirely forgotten the privileges of birth: they put off that pride against which the most reasonable men find it difficult to guard, and upon which the English counted as a source of certain discord between the allies. The Americans, on their side, were grateful to the French for an easy familiarity of demeanor which they were not prepared to expect. These dispositions greatly facilitated the operations both of the council and the field. Subordination and discipline flourished by a sort of emulation. The French

commander particularly, manifested invariable respect for property, and the customs of the country; and entire submission to the laws from which he had so many means of obtaining an exemption. He was struck with surprise that he, although a stranger among the Americans, possessed an authority over them almost equal to that of their magistrates, and on asking the reason, received for answer; "it is because you, the abso-"lute head of a foreign army, respect our laws."

The naval force of France had an equally glorious career on the coast of the United States during this war. It efficaciously protected their trading and military navigation and seconded the movements of the armies. An admiral of the French navy, distinguished by long and honourable services, was seen to do homage to the superior talents of a younger officer, by placing himself under his command, and practising an exemplary obedience.

There was not a smaller measure of ability nor a less perfect unanimity in the counsels of the allied cabinets. This solid wisdom, this rare moderation on all sides had the happiest effects. As I was not wholly without a share in these great events, I shall be pardoned, perhaps, for allowing myself to dwell too long on the bright scenes of a period now so remote from my declining age.

Arnold and André calculating anxiously the probable length of Washington's absence, supposed that he would be returned in three or four days, that is on the 25th or 26th of September, and one or other of these days was fixed for the execution of the plot. It was settled that André should go back in all haste to New York;—that the English troops which were already embarked, under pretence of a distant expedition, should be held ready to ascend the river, and sail at the first signal;—that, to facilitate the reduction of West Point, Arnold would march out of the forts all the troops destined for their defence, and entangle them in gorges and ravines where he would pretend to await the English assailants, while these were to debark on another side, and enter by passes that would be left unguarded; and, at all events, the garrisons and troops were to be so distributed, that if they did not surrender at the first summons, they must be immediately cut in pieces. He informed André that the chain was no longer an impediment in the way: He had detached a link, ostensibly in order to have it mended; the smiths would not return it for some days; and the two ends of the chain were held together by a fastening too weak to bear even a slight concussion:—The English would know at what moment they were to advance, by the kindling of fires, in the night, under the directions of Arnold, on the adjacent eminences. A single cannon fired from

their ships to be followed by a similar discharge from the shore, would proclaim that they had perceived the signals. Other tokens agreed upon, were to furnish, successively, information of the several distances of the British forces in their approach. When they had arrived within three miles of the fortress, two English officers in American uniform, were to ride full gallop to Arnold's quarters, to learn how matters stood, and hasten with the intelligence to the British naval commander. Then only was Arnold to put in motion that portion of the garrison which remained in the works, and station it at posts which would not be attacked.

Colonel Dearborne and the officers who were under his command were, already, insidiously prepared by him to see the movements of the garrison without surprise. He had told them,—as a mark of great confidence apparently,—that his plan, if the enemy made an attempt upon West Point, was to meet and fight them in the defiles, and he often repeated that good care was to be taken not to wait for the enemy behind the works.

He thought the conference with André terminated, but the latter had not yet spoken of another plan at least as important in his eyes as the capture of the fortress. "Washington," said the young Englishman, "is on his return from Hartford, to in-"habit your quarters with several officers and generals. We "may arrange things so as to make them all prisoners, at the "same moment that we seize the forts. When in our power, "they may be put on board our vessels, and carried forthwith "to New York."

Arnold appeared confounded at this new proposition, and feigning scruples of conscience, he expressed a repugnance to violate thus the laws of hospitality. He objected also,—and doubtless, with more sincerity—that it was dangerous to complicate the enterprise; that it was in no wise probable that the commander in chief would return precisely an hour before the English troops occupied the forts; that, in this hypothesis even, a vigorous resistance might be expected from so many brave men; and finally, that it was to be apprehended, inasmuch as full attention could not be simultaneously given to two such mighty projects, lest the one should cause the abortion of the other.

André, impetuous in his wishes, replied with warmth—that he did not recognise in this language the most intrepid and enterprising of the Americans;—that the absence of Washington left them four days at their disposal;—that it was the English, the masters of the spot, who would commit the act, and not Arnold;—that Washington and his companions would be greatly inferior in number, and would, moreover, be taken unawares; that if, contrary to all appearances, one project failed,

the success of the other would compensate this miscarriage. He then added that no additional time was to be lost either in irresolution or precaution; that the secret so well kept, must ere long transpire; that the British troops were already in motion and only awaited his return to ascend the river; and, in fine, that Washington *must* be delivered up at the same time with the forts. It is believed that Arnold promised every thing; and why would he who sold his country and trampled under foot the most sacred duties, hesitate to betray his guests into the power of the enemy?

They agreed upon the countersign to be given on the 24th and 25th. Arnold delivered to the Englishman draughts of all the works and of the passes leading to them, several memoirs written with his own hand, and full returns of the garrisons and the forces of each division of the army. He had never before allowed a single paper to go out of his hands, which might expose him to detection. But he now saw no danger in confiding these to André, who was to re-embark directly, on board the sloop, and make sail for New York.

André returned alone to the beach whence a boat was to convey him to the Vulture. But this arrangement was defeated by an obstacle wholly unexpected. At an early hour, Livingston, still disturbed at the proximity of the sloop, had, of his own authority, caused a four-pounder to be dragged from his redoubt to a point of land from which the shot could reach the vessel. She was aground, and had already sustained some damage from the small piece of the American officer, when she began to float again at the rising of the tide. Robinson took advantage of this circumstance to weigh anchor, and remove some miles lower down beyond the reach of a similar attack.

This change of station attracted the notice of the master and rowers of the boat in which André expected to regain the sloop. They were Americans. The movements which they had witnessed for the two last days were not usual; and although men of their description, accustomed to ferry all persons indifferently from one side of the river to the other, did not affect to be of any party, they were unwilling to commit themselves. When André proposed to them to convey him to the sloop, they told him that it was too far, and peremptorily refused to go. He went back immediately to Arnold, and urged him to exert his authority in so serious a predicament. But the latter, perplexed at his unlooked for re-appearance, already harassed with various disappointments, durst not attempt to coerce these men, and told him he must submit to return by land, to lay aside his uniform altogether, and assume another dress.

André, whom a train of unforeseen occurrences had, against his intention, brought within the line of the American posts,

comprehended at once the new dangers in which this expedient would involve him. He insisted that Arnold should persuade the boatmen to receive him; and to make his companion sensible of the risk he incurred in quitting his uniform, he cited the laws of war, which place an enemy in disguise on the list of spies. "You were already disguised," said Arnold, "when "you came with your uniform hidden under a surtout, and you "will not be more so in exchanging for another the dress which "you would not permit to be seen. It is not with this nicety "that *we* are to calculate. Instead of anticipating so minutely "possible adversities, let us rather count upon unknown chances "to operate in our favour. If there were none but ordinary ha- "zards to be run in a plot such as ours, so great a share of "courage and resolution would not be required. Think of my "risks, and judge which of us exposes himself the most."

It was in this strain that Arnold wrought upon a proud and generous mind, naturally indignant at the least suspicion of timidity, and regarding it as the heaviest of imputations. The chances were, indeed, far from being alike for both. Arnold confronted death and ignominy. André, who was facing death in the service of his country, and sure of leaving behind him an honourable reputation, risked only his life.

He laid aside his coat for one which Smith provided. Arnold now wished to withdraw the papers which he had intrusted to him; he thought it hazardous to send them by land. But André had it at heart to prove to Clinton with what punctuality he had executed his mission: these papers were a trophy of which he would not, therefore, allow himself to be dispossessed. He observed to Arnold, that danger of any kind could now no longer be in question,—unless only so far as to show that they both despised it; and added, that he would keep the papers, which brought him into greater peril than Arnold, and, to allay his fears, would secrete them in his boots.

Arnold submitted, and leaving André in Smith's house, returned to his quarters, from which he had been absent since the day before. The patrol spread throughout the whole neighbourhood, made it imprudent for André to begin his journey before twilight. He was accompanied by Smith: each had a passport from Arnold, "to go to the lines of *White Plains*, or lower, if "the bearer thought proper; he being on public business."

They were accosted at Crompond, by an American officer of militia, who told them that it was too late for them to reach, that evening, any other quarters. In order not to awaken his suspicions, they resolved to pass the night there. The next day—23d, they crossed the Hudson at King's Ferry, pushing forward when they were not observed, and slackening their pace to conceal their eagerness, wherever they were likely to be seen. By means

of their passports, they traversed all the American posts without molestation.

They arrived, uninterrupted, a little beyond Pines-bridge, a village situated on the Croton; they had not, however, crossed the lines, although they could descry the ground occupied by the English vedettes. Smith, looking all around, and perceiving no one, said to André,—" You are safe, good bye," and retook at full speed, the road by which they had come. André, on his part, believing himself out of danger, and all further precaution superfluous, put spurs to his horse. He had proceeded four leagues onward with the same good fortune; he could see the Hudson once more, and was about entering Tarrytown, the border village, when a man, armed with a gun, sprung suddenly from the thickets, and seizing the reins of his bridle, exclaimed, " Where are you bound?" At the same moment, two others ran up who were armed in like manner, and formed with the first, part of the patrol of volunteer militia that guarded the lines. They were not in uniform, and André, preoccupied by the idea that he was no longer on enemy's ground, thought that they must be of his own party. It did not, therefore, occur to him to show them his passport, which was sufficient to deceive Americans, and could not alter his destination, if those who arrested him were of the English side.

Instead of answering their question, he asked them in his turn,—" Where they belonged to?" They replied, " to below," words referring to the course of the river, and implying that they were of the English party. " And so do I," said André, confirmed in his mistake by this stratagem. " I am," continued he, in a tone of command, " an English officer on urgent business, and I do not wish to be longer detained." " You belong to our enemies," was the rejoinder, " and we arrest you."

André, struck with astonishment at this unexpected language presented his passport; but this paper, after the confession he had just made, only served to render his case more suspicious. He offered them gold, his horse, and promised them large rewards, and permanent provision from the English government, if they would let him escape. These young men, whom such offers did but animate the more in their duty, replied that they wanted nothing. They drew off his boots, and detected the fatal papers. They no longer hesitated to carry him before Colonel Jameson, who commanded the out-posts. He claimed still, when questioned by that officer, the name of Anderson which was in his passport, and evinced no discomposure; he had recovered all his presence of mind, and forgetful of his own danger, thought only of Arnold's, and of the means of extricating him. To apprize him of it safely, he begged Jameson to inform the commanding officer of West-Point that Ander-

son, the bearer of his passport, was detained. Jameson thought it more simple to order him to be conducted to Arnold. He was already on the way, and the thread of the conspiracy was about to be resumed in the interview of the accomplices, when the American Colonel recollecting that the papers found upon the prisoner were in the hand-writing of Arnold himself, and adverting to the several extraordinary features of the business, sent, in all haste, after the pretended Anderson, and had him conveyed, under guard, to Old Salem.

He despatched, at the same time, an express to Washington, charged with a letter containing a circumstantial account of this affair, and with the draughts, and other papers taken from the prisoner. But the commander in chief, who set out on the same day the 23d of September, to return to his army, had pursued a different route from that by which he went to Hartford, and the messenger was compelled to retrace his steps without having seen him. This delay proved the salvation of Arnold.

Jameson was a gallant soldier, but a man of an irresolute temper and of no great sagacity: moreover, treachery on the part of Arnold, appeared impossible to one of an ingenuous and honourable character. He began to view his first suspicions as an outrage to an officer distinguished as Arnold was, by so many noble exploits, and wishing to reconcile the deference due to him, with the performance of his own duty, he wrote him, that Anderson, the bearer of his passport, had been arrested on the 23d.

Arnold did not receive this intimation until the morning of the 25th: it was on a Monday, and the same, or the following day, had been selected for the consummation of the plot. Until that moment, he had believed success infallible. The exhilaration which this belief produced, was even remarked, and he pretended that it was occasioned by the speedy arrival of his general, "for whom he had pleasant news." He was busy with the appropriate arrangements for the reception of a body of more welcome visiters, when he received the letter of Jameson. Those who were present on the occasion, recollected afterwards, that he could not, at first, conceal his dismay and extreme agitation; but that recovering himself quickly, he said in a loud voice, that he would write an answer; and, dismissing all about him, withdrew, to reflect on the course which it was best to adopt.

The commander in chief might be absent yet a day or two:—Jameson alone could have conceived suspicions; and such a man as Arnold, could find means of sealing his lips;—the enterprise had not then irretrievably failed. Until now, he had enjoyed the advantage of being without a confidant, and of having nothing to fear from the indiscretion or pusillanimity of any one: But this vicissitude gave a new face to things; and it was only by the aid of trusty persons, that he could effect the liberation of

André, and turn to account the residue of Washington's absence. He was, as various indications contributed to prove, still revolving these thoughts in his mind, without being able to come to any determination, when two American officers interrupted his musings.

They were sent by the commander in chief, and informed Arnold, that he had arrived that morning at Fishkill, a few leagues from West-Point, that he was to have set out a short time after them, and could not be far distant.

Thus did the most alarming circumstances rapidly succeed for each other. There was no room for further deliberation. The traitor had no alternative but a precipitate flight, to save him from an ignominious end. Suppressing his emotion, he told the two officers, that he wished to go and meet the general alone, and begged them not to follow him. He then entered the apartment of his wife, exclaiming—"All is discovered:—André is a prisoner:—The commander in chief will soon know every thing:—"The discharge of cannon which you hear, is a salute, and announces that he is not far off:—Burn all my papers:—I fly to New "York." He embraced her, as well as their infant child, whom she carried in her arms, and solely intent on his escape, left her, without waiting for her reply; mounted the horse of one of the two officers, and rushed towards the Hudson, from which his house was removed but a small distance. He had taken the precaution to have always ready a barge well manned:—he threw himself headlong into it, and caused the boatmen to make for the English sloop with all possible despatch. The barge bearing a flag of truce, was still visible from the heights, when Washington arrived. The two officers related to him, what they had witnessed. Arnold had absconded.. His wife in the agonies of despair, seemed to fear for her infant, and maintained an obstinate silence:—No one knew how to explain these extraordinary incidents. The commander in chief repaired, without delay, to the fort of West-Point, where, however, he could learn nothing of a decisive import.

But some orders, issued by Arnold the day before, redoubled his suspicions: he returned to the quarters of the general, and at this instant Jameson's messenger presented himself and delivered the packet with which he was charged. Washington seemed, for a few minutes, as it were overwhelmed by the discovery of a crime which extinguished the glory of an American general, and wounded the honour of the American army. Those who were near him, anxiously interrogating his looks, kept, like him, a silence of astonishment. He broke it by saying—"I thought "that an officer of courage and ability, who had often shed "his blood for his country, was entitled to confidence, and "I gave him mine. I am convinced now, and for the rest "of my life, that we should never trust those who are wanting

"in probity, whatever abilities they may possess.—Arnold has "betrayed us."

At these words, a kind of stupor seized all the auditors:—They listened, with dismay, to the circumstances of the danger just past:—They were uncertain whether other perils were not to be apprehended:—it was asked, whether the traitor might not have accomplices:—but, at the same time, the sentiment appeared to be unanimous, that he could not have found a single one in the United States. Washington himself was amazed at the security into which he had been lulled; and seemed to look back upon it with contrition as a remissness in the execution of the duties prescribed by his station: But all voices were raised at once to dissipate this scruple, and to applaud him for not having imagined a companion in arms, capable of so foul a treason. Meanwhile, the precautions required by the occasion were every where taken: General Heath, a faithful and vigilant officer, was substituted for Arnold, at West-Point: the commanders of the other posts, were admonished to be on their guard. Greene, who had been invested with the command of the army during the absence of Washington, recalled within the forts, the garrisons which the traitor had dispersed, and marched a strong division near to the lines. Hamilton lost not an instant in repairing to King's ferry, the last American post on the side of New York. He had the mortification to learn, that a very short time before his arrival, Arnold's barge had glided by with the swiftness of an arrow, and was then getting alongside the Vulture, some miles lower down, opposite Teller's point, an anchorage situated at the head of the great basin of the Hudson, which is called Tappan Bay. Livingston had remarked the barge that carried the fugitive, and, his suspicions being roused by the strange movements of the two or three days previous, would have stopped it, had not the sailors of his spy-boats been ashore when it passed.

It was, at first, thought impossible, that the two aid-de-camps of Arnold, colonel Warrick and major David Franks, should not have been initiated into the plot. They were asked if they had not observed the clandestine messages between Arnold and the English; if the dispositions made for the purpose of disarming the forts had not attracted their attention. They answered, that their general enjoyed the confidence of the commander in chief; that they had perceived nothing in his actions contrary to military laws and regulations; that they would have been the more backward to scrutinize his conduct, as they owed him obedience and lived in his family. Warrick was completely exculpated: David Franks was acquitted.

Messengers were sent to all the states of the Union and to the French general, to inform them of this event. The express who bore the news to congress travelled with such rapidity that he

reached Philadelphia on the same day that the discovery was made in the camp. The magistrates were immediately directed to enter the house of Arnold and to seize and examine his papers. They found nothing there relating to the conspiracy; but he had left memorandums which furnished ample proof that he was guilty of the extortions and peculation of which he had been accused two years before. Among the members of the committee charged with this search, there happened to be one of those men whom a natural restlessness and an inordinate zeal deprive of all discretion and delicacy; and who, to serve their political sect, will not scruple to go all lengths of severity and harshness against the opposite party. He found, in the apartment of Mrs. Arnold, some letters in which the Chevalier de La Luzerne was roughly handled. They were brought to this minister. He consigned them to the flames, without having read them.

The Committee found, also, several letters of André to this lady—about indifferent matters; but, they were written from New-York and by an enemy. A few of the members advised that they should be made the subject of an accusation against her. The magistrate who, two years previous, had arraigned and prosecuted Arnold before congress, said to the most urgent of these advisers:—"Mrs. Arnold is an excellent "wife and a good mother; she is unhappy enough; do not let "us trouble her respecting her political sentiments."

Other particulars of the conduct observed towards her, exemplify more fully the national spirit and character. I shall proceed to mention the chief of them.

When her husband left her, in the manner I have described, to make his retreat to New-York, she fainted, and her servants were apprised of the circumstance only by the cries of the child whom she fed at the breast. Her senses returned on the application of the proper remedies; but abandoned as she was by her husband, in the midst of a people and an army whom he had so basely betrayed, it may be imagined that she suffered ineffable anguish. She trembled lest he should have been arrested in his flight, and in the distraction of her fears, earnestly solicited his pardon. Washington had the delicate kindness to inform her that her husband had escaped his pursuers. Arnold thought only of her, as soon as he saw himself in safety. He wrote immediately, from on board the Vulture, the following letter to the commander-in-chief.

"*September* 25, 1780.

"SIR,—The heart which is conscious of its own rectitude, cannot attempt to palliate a step which the world may consider as wrong. I have ever acted from a principle of love of my country, since the commencement of the present unhappy con-

test between Great Britain and her colonies; the same principle of love of my country actuates my present conduct, however it may appear inconsistent to the world, who very seldom judge right of any man's actions.

" I have no favour to ask for myself. I have too often experienced the ingratitude of my country to attempt it; but from the known humanity of your excellency, I am induced to ask your protection for Mrs. Arnold, from every insult and injury that a mistaken vengeance of my country may expose her to. It ought to fall only on me: she is as good and as innocent as an angel and is incapable of doing wrong. I beg she may be permitted to return to her friends in Philadelphia, or to come to me, as she may choose."

The option was, accordingly, given to Mrs. Arnold. She said that she would share the fate of her husband; but, before joining him, she desired to see her parents once more, and to bid them adieu for the rest of her life. She was conducted to Philadelphia with such attentions as her adversity alone could have claimed for her. The first fervours of indignation were allayed, and the sternest republicans rejected the idea of making her answerable for the crime of her husband. She had a signal proof of this moderation in the course of her journey. She stopped to pass the night in a town, where preparations were on foot, to burn Arnold in effigy with the festivities and bustle which accompany the expression of popular hate as well as of popular affection. As soon as she was known to be in the town, these preparations were suspended.

It was certainly desirable that all the circumstances of the plot should be traced; and yet when a judge was urged to subject her to interrogatories, he answered that she ought not to be exposed either to speak against the truth, or to violate the respect and attachment which she owed her husband. The public were not ignorant that she had contributed to throw Arnold into the British party; but her misfortunes, and, perhaps also, the exquisite graces with which she was adorned, awakened a general interest in her favour. She drew commiseration for her lot as the wife of a man who had justly incurred universal abhorrence; and the obloquy attached to the name she bore, seemed a punishment at least equal to her demerits. When she set out to join Arnold among the enemies of his country, she entered her carriage in open day, without experiencing any mark of that hate of which he had become the object.

Jameson caused his unknown prisoner to be strictly guarded. The latter at first suppressed his true name from consideration for Arnold; but, the day after his capture, supposing that the American general had had time to make his escape, he said to Jameson: " My name is not Anderson; I am major André."

He wrote a letter to the commander in chief, which was neither cringing nor arrogant, and in which he vindicated himself with calmness, and as if persuaded that he had not transgressed the laws of war. It was conceived in these terms.

"*Salem*, 24*th Sept.* 1780.

"SIR,

"I beg your excellency will be persuaded, that no alteration in the temper of my mind or apprehension for my safety, induces me to take the step of addressing you; but that it is to secure myself from an imputation of having assumed a mean character for treacherous purposes or self interest; a conduct incompatible with the principles that actuated me, as well as with my condition in life.

"It is to vindicate my fame that I speak, and not to solicit security.

"The person in your possession is Major John André, Adjutant General to the British army.

"The influence of one commander in the army of his adversary is an advantage taken in war. A correspondence for this purpose I held, as confidential (in the present instance) with his excellency Sir Henry Clinton.

"To favour it, I agreed to meet upon ground not within posts of either army, a person who was to give me intelligence. I came up in the Vulture man of war for this effect, and was fetched by the boat from the shore to the beach; being there, I was told that the approach of day would prevent my return, and that I must be concealed until the next night. I was in my regimentals, and had fairly risked my person.

"Against my stipulation, my intention, and without my knowledge beforehand, I was conducted within one of your posts.

"Thus, was I betrayed (being Adjutant General of the British army,) into the vile condition of an enemy within your posts.

"Having avowed myself a British officer, I have nothing to reveal but what relates to myself, which is true, on the honour of an officer and a gentleman.

"The request I have made to your excellency, and I am conscious that I address myself well, is, that in any rigour policy may dictate, a decency of conduct towards me may mark, that, though unfortunate, I am branded with nothing dishonourable; as no motive could be mine, but the service of my king, and as I was involuntarily an impostor."

Washington possessed great humanity; but the rules of war forbade mercy to convicted spies, and he had no right to suspend the laws of Congress. Clinton, when told that his friend

was threatened with death, wrote to the American General, and, contrary to his usual practice, omitted none of the forms of respect and courtesy which the state of war allows. He appealed to the immunities of a flag of truce, alleged the passport and the quality of prisoner of war, &c.

Washington had privately consulted Congress, before bringing the prisoner to trial. This assembly did not formally deliberate on the matter, but they signified to him that there was no motive in this case for staying the course of justice. He immediately constituted a board consisting of six major, and eight brigadier generals, to determine the fate of André. Two foreign generals, La Fayette and Steuben, were, as the laws prescribed, members of this board.

André experienced from his judges every indulgence compatible with the performance of their duty. He answered with manly frankness all the interrogatories—except only those which went to implicate other persons. He was even tender of Arnold, the cause of his misfortune, and whom he might have arraigned without exposing him to danger. It was expected that he would, after his examination, attempt to make a defence, and to extenuate the charges; but he disdained all falsification or evasion. He said merely: "I do not acknowledge myself guilty; but I am resigned to my fate." The introduction of witnesses was of course superfluous, and it only remained for the Board to adjudge the punishment. This obligation, they fulfilled with evident pain. They reported to General Washington, after having maturely considered the facts (which they detailed,) " that Major " André ought to be considered as a *spy* from the enemy, and " that, agreeable to the law and usage of nations, he ought to " suffer death."

André heard this sentence with less emotion than was displayed by the president of the Board in pronouncing it. Some one having suggested to him that he might escape both with life and liberty, if he could cause Arnold to be delivered up in his place, he shrunk with disgust from this expedient. He had no knowledge of a private enterprise, of which the leading object was his safety, and which Washington secretly encouraged. An American serjeant-major of cavalry, an intrepid, resolute man, disappeared from the American camp, and imposed himself upon the British at New York as a deserter. He found accomplices, and their purpose was to carry off Arnold. Had they succeeded, the renegade would have suffered an ignominious death, and André have been pardoned. This project, the offspring of benevolence, although not exactly consonant to the laws of nations, was managed with as much address, as courage and fidelity. It escaped detection, and failed only through disappointments impossible to be foreseen.

Sir Henry Clinton, on learning the decision of the Board, from a communication made to him by Washington, redoubled his efforts to prevent its being carried into effect. He sent without delay, three deputies to the American camp, in a flag-vessel. Only one of them was permitted to land. This was General Robertson. Greene was appointed to meet him. The English officer urged, in the conference which ensued, whatever the law of nations or the ingenuity of friendship could furnish in support of his errand.

"Humanity," he observed, "should mitigate the too rigid "laws of war. An inexorable severity yielded bitter fruit. It "engendered inveterate animosities; while clemency, sooner or "later, met with its reward. The most noble use that could be "made of the power of the respective parties would be to pave "the way for a thorough reconciliation by a system of mild-"ness. To humble and mortify their enemy would be an un-"safe policy for the Americans, even were they triumphant;— "which could not be admitted. If the British leaders took a "suppliant posture in this instance, it was still with the just ex-"pectation of success in the war. There should be, for the rest "of this contest, an emulation of good offices;—Sir Henry "Clinton would not be outstripped in generosity. He offered "to exchange for André any prisoner whom General Washing-"ton might be pleased to name, or, if he preferred it—to sub-"mit the question of right to the French and Hanoverian Ge-"nerals, Rochambeau and Knyphausen, who, as foreigners, "might be more impartial."

Greene replied that the humanity of the Americans could not be surpassed by that of any nation; and that, at all events, the proper tribunal had decided. Robertson asked whether the accused could not appeal to Congress, and hinted, that, if he were deprived of this resource, the commander in chief would be answerable for the consequences.

Greene rejoined firmly and somewhat haughtily, that the American General only obeyed the laws, when he enforced them in all the latitude in which they were confided to him for execution; that the affair was no longer within the province of Congress, there being no body in America competent to intercept or invalidate the judgments of the regular tribunals.

He was about to retire when Robertson stopped him, and put into his hands an open letter from Arnold to Washington, which he requested him to read. Arnold, in this letter, declared, that, if André were put to death, "he should think him-"self bound by every tie of duty and honour to retaliate on "such unhappy persons of the American army as might fall "within his power, so that the respect due to flags and to

" the law of nations might be better understood and observed." He added that " forty of the principal inhabitants of South " Carolina had justly forfeited their lives, and had hitherto " been spared, only through the clemency of Sir Henry Clin- " ton, but the British commander could no longer extend his " mercy to them, if André suffered." Furthermore, " if that " warning should be disregarded and André suffer, he called " heaven and earth to witness that Washington would alone be " answerable for the torrents of blood that might be spilt in " consequence."

Greene, after having perused this letter, threw it at the feet of Robertson, and withdrew without making any reply.

Although André was justly condemned, his situation created universal sympathy. He was to perish a victim of the treachery of another, in the flower of his age, and at the dawn of a career, which his military talents, his taste for letters and the arts, and his numberless fine qualities must have rendered glorious and honourable. His conduct towards the Americans had always been marked by moderation; many were indebted to him for the preservation of their lives and property; and while others carried on the war with the rancor and violence too common in civil dissentions, he had studied to lessen and assuage its evils. The very circumstances of the conspiracy which led to his condemnation, exhibited him only as a man powerfully moved by love of country; and there was a certain elevation even in his offence.

As the fatal hour drew near, he manifested a wish to have the company of an American officer. Hamilton, one of the most valued of the army, did him this sad service. André displayed a perfect composure in his last conversations. They furnished a part of the facts which I have recorded. He seemed to take pleasure in narrating them, and spoke like an old soldier recounting the martial exploits of his youth.

Opinion as well as the laws, attaches infamy to spies, and the mode of their execution is congenial. André had hoped that he might be relieved from this the only appendage of his case to which he could not be resigned. The sentence was silent on the point, and dreading, while he rose superior to the terrors of death, the disgrace of the halter, he wrote the following letter to Washington.

" *Tappan, October* 1.

" Buoyed above the terror of death, by the consciousness of a life devoted to honourable pursuits, and stained with no action that can give me remorse, I trust that the request I make to your excellency at this serious period, and which is to soften my last moments, will not be rejected. Sympathy towards a sol-

dier will surely induce your excellency and a military tribunal to adapt the mode of my death to the feelings of a man of honour. Let me hope, Sir, that if ought in my character impresses you with esteem towards me as the victim of policy and not resentment, I shall experience the operation of those feelings in your breast by being informed that I am not to die on a gibbet."

This request could not be granted. The truth was not concealed from him, and the compassion which he at first inspired gave place to a feeling of admiration, when it was seen with what serenity he went to execution. He met his doom without pusillanimity, and—which is more rare—without an ostentation of courage. His demeanor was that of the bravest of men placed by the order of his general on a mine about to explode and hurl him to instant destruction.

Some have exclaimed against fate, for a catastrophe so unmerited, while the real criminal survived. The death of André was, however, a beatitude in comparison with the life of Arnold. He survived indeed,—but to drag on, in perpetual banishment from his native country, a dishonourable life amid a nation that imputed to him the loss so much deplored. He transmitted to his children an abject name of hateful celebrity. He obtained only a part of the debasing stipend of an abortive treason. His complaints soon caused it to be known that all the promises by which he had been inveigled, were not fulfilled. But a baffled treason appears always to be overpaid, and the felon is the only one who thinks that he experiences injustice.

He enjoyed, however, the rank of brigadier-general in the English army, and served against the Americans in this capacity during the rest of the war. The English affected to give him their entire confidence, hoping to make thereby other apostates. He published addresses to the inhabitants of America and to the army, in which he exhorted them to emancipate themselves from the tyranny of their demagogues. He inveighed with particular asperity against France "the enemy of the pro-"testant faith, and fraudulently avowing a regard for the liber-"ties of mankind, while she held her native sons in vassalage "and chains." He justified his perfidy by the topics of reasoning common to traitors;—which deceive no one, and still less themselves.

All these efforts were nugatory.—Arnold is the only American officer who forsook the cause of independence, and turned his sword against his country. The officers of the British army manifested a strong repugnance to serve with him. He possessed their esteem, while he fought against them. They loaded him with contempt, when treason brought him over to their side.

The rest of his life was exceedingly wretched. His vices plunged him in an abyss of misfortune, which his general qualities were ill-adapted to soften.

General Washington had not forgotten the three young militiamen who arrested André. He transmitted their names to Congress. This body immediately passed the following resolution:

"That congress have a high sense of the virtuous and patri-
"otic conduct of the said John Paulding, David Williams, and
"Isaac Van Wart.

"In testimony whereof,

"*Ordered*, That each of them receive annually, out of the public
"treasury, two hundred dollars in specie, or an equivalent in the
"current money of these states, during life; and that the board
"of war procure for each of them a silver medal, on one side of
"which shall be a shield with this inscription: "Fidelity,"—and
"on the other, the following motto: *Vincit amor patriæ*,—and
"forward them to the commander in chief, who is requested to
"present the same, with a copy of this resolution, and the thanks
"of Congress, for their fidelity, and the eminent services they
"have rendered their country."

Doubtless, the highest honours should, by universal consent, be awarded to those citizens, who have been fortunate enough to preserve their country from a great calamity. It is of such distinctions, that men of an elevated character, are most ambitious of proving themselves worthy. But there is yet more merit and virtue in doing well without ambition or the hope of reward.

These three young men had not thought of blazoning an action in which they had but performed their duty. They learned with surprise, that Washington had caused search to be made for them, in order to deliver to them this memorial of public esteem and gratitude. Their families are held in veneration, and the names of John Paulding, David Williams, and Isaac Van Wart, will be celebrated and cherished in all after ages.

This issue of a plot on which England had built such towering hopes, and which was contrived with so much art, corroborated the discipline of the American army; raised the courage, and increased the strength of the republicans. They were confirmed in the hatred which they bore their enemy: The danger from which they had just escaped, as if by miracle, taught them the necessity of redoubling their vigilance, and of excluding from their counsels, the more effectually to guard the unanimity of them, all persons who were not of tried virtue.

This nation of Americans, who have no doubts of a Divine Providence even in the most inconsiderable events, acknow-

see page 148.

is Good.

Y IT.

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this city, is called the "Titan," a Stradivarius, made in 1726, and is without a blemish. Mr. Remenyi consumes more time every day in making the toilet of his favorite instrument, than the ordinary society lady would in preparing for a grand party. This is not time wasted, by any means, as new strings must be put on every day, and all four must be perfect. An intimate friend of Mr. Remenyi says that he has seen him try eighteen lengths of "E" string, and all of the most expensive kind, before he found one exactly correct in tone.

It takes the rural journalist to write a thorough appreciative musical criticism (?). Here is a "write up" recently given the celebrated Remenyi in an Illinois town:

ledged, on the occasion, that to this Providence they owed their safety, that of Washington, and of the army. Thanks were solemnly offered up to God in the temples, and in the bosom of families; and it was from the bottom of their hearts that these religious men poured out the tribute of their gratitude.

Prosperous until now in all their enterprises, may Heaven preserve to them the spirit of justice and moderation by which they have been constantly guided! Fortune will not fail them.

1893-11-11

ABSTRACT

OF THE

PRINCIPAL DEBATES

OF

THE FOURTEENTH CONGRESS.

HOUSE OF REPRESENTATIVES.

January 5, 1816.

UNIFORMITY OF ELECTION.

MR. PICKENS, of North-Carolina, rose to make a motion on a subject which he had for some time considered of great importance to the national interest. Although he had heretofore in vain pressed it on the consideration of the house, he thought the change of the circumstances of the nation, and the harmonious relations of political parties, at present, justified the hope that he should now meet with better success. The proposition he was about to submit had at different times been supported by the unanimous vote of both branches of the legislature of North-Carolina; and under the sanction of this respectable authority, he thought it his duty again to offer it to the consideration of the house, which he did in the following shape:—

Resolved, by the senate and house of representative of the United States in congress assembled, two-thirds of both houses concurring therein, that the following amendment to the Constitution of the United States, be proposed to the legislatures of the several states, which, when ratified by the legislatures of three-fourths of the said states, shall be valid to all intents and purposes, as a part of the said constitution:

" For the purpose of choosing representatives in the congress of the United States, each state shall be divided by its legisla-

ture into a number of districts, equal to the number of representatives to which the state may be entitled—each district shall contain as nearly as may be equal numbers, which shall be determined by adding to the whole number of free persons, including those bound to serve for a term of years, and excluding Indians not taxed, three-fifths of all other persons. In each district, the qualified voters shall elect one representative.

"For the purpose of choosing electors of president and vice president of the United States, each state shall be divided by its legislature into a number of districts, equal to the number of electors to which the state may be entitled; each district shall contain, as nearly as may be, equal numbers, which shall be determined by adding to the whole number of free persons, including those bound to serve for a term of years, and excluding Indians not taxed, three-fifths of all other persons. In each district persons qualified to vote for representatives in the congress of the United States, shall choose one elector. The legislature of each state shall have power to regulate the manner of holding elections, and making returns of the electors. In case all the electors should not meet at the time and place appointed for giving their votes, a majority of the electors met shall have power, and forthwith proceed to supply the vacancy.

"A division of the states into districts for choosing representatives in the congress of the United States, and into districts for choosing electors of president and vice-president of the United States, shall take place as soon as conveniently may be after each enumeration and apportionment of representatives shall be made; which districts shall remain unaltered, until after the succeeding enumeration and apportionment of representatives."

The resolution was twice read and referred to a committee of the whole.

December 17, 1816.

The house having resolved itself into a committee of the whole on the state of the union, Mr. SMITH, of Maryland, in the chair:

Mr. PICKENS rose to support his proposition.—In no other case can it be more important, he said, that the law should be fixed and uniform, than in the exercise of the right of suffrage. This is the only link between the people and their government. To preserve this connexion, this right should not only be exercised in fact, but in such manner as to ensure it confidence and respect. For this purpose it would seem essential, that the mode of election should be fair in relation to different parts; that it should be free from sudden changes; that it should be as direct a communication of the public will as conveniently might be, and in a manner the most pure.

If our system of government is worthy of a fair trial, it must be an urgent duty on us to apply its fundamental powers so as to perform properly their several functions. The public will being the centre of motion, its influence must be properly imparted to the surrounding bodies, or the experiment will be unfair, and the system may become deranged; with this view the present amendment to the constitution has been offered.

Mr. Pickens said, the proposition now before the committee was so plain in itself, and had been so often brought into view in the different states, as well as before this body on several occasions, that he would only present a few leading ideas which induced him to hope for its adoption.

Steadiness and uniformity in the mode of election of either the representatives or the electors, is only attainable by a constitutional provision. While this is left to the varying views of congress, and the still more various and varying councils of the several states, such changes will be made by the prevailing parties, for the time being, as may answer their particular ends. Our own experience is ample to prove this: we have seen sometimes a general vote prescribed—districts of various sizes electing from one to three or four representatives or electors, and legislatures have taken upon themselves the appointment of electors. Thus have the people been kept in a state of fluctuation and uncertainty, about the most important right they possess, after enjoying it very equivocally and indirectly, if enjoyed at all. There have been exhibited between states and the parties in states, almost every four years, what might be called a political farce, but for the importance of the actors, and the weight of the results. The prevailing party in a state have generally been the advocates of state rights, and for giving a *united* suffrage, regardless of the sentiments of divisions forming a minority of the whole state. The minority in a state have contended for allowing to every section its proper and distinct weight, tending to divide the weight of suffrage. And this is the general character of the majority and minority, no matter of what political complexion.

We have seen the great state of Pennsylvania, though she generally acts with much regularity, at the point of losing her entire suffrage in the choice of electors; the choice was then in the legislature, and the two branches differing in political views, they were unable to agree on a ballot, until an actual compromise was effected, in which each side held out for the best terms it could procure. In this act the public voice was unheard.

About four years ago a similar case happened in Massachusetts, in which a compromise was agreed to, after many vain attempts to effect the choice, the two branches being opposed to each other.

About the same time, in New-Jersey, a general vote of the people being the established mode for choosing electors, and no change in the number of electors, or other ostensible reason for an alteration, existing, the legislature convened a few days previous to the time of election, and finding a majority of that body of a different political complexion from what they supposed the majority of the qualified voters in the state to be, the election law was instantly repealed, and the right of appointing electors was assumed by the legislature, giving the electoral college their own political image.

Would it not conduce more to the dignity and stability of the government, to have its principal offices filled by a fair uniform procedure, which long habit would render venerable? Nothing tends more to give respect to any institution, than long unaltered *custom*. This renders a bad government more tolerable, and is the foundation of half the laws of every country in the world, our own not excepted. When, to this regularity of method, are added the qualities of being fair, pure, and congenial to our free institutions, we can at least promise ourselves a fair trial of the theory of our government.

These qualities all attend the mode proposed, in an eminent degree, with others which add to its worth. In elections by the people, in single districts, the candidates will be well known to the voters; they can best judge by their own knowledge, who may be entitled to their confidence. The choice flows most directly from the people, who need no dictation from a caucus. The voter is not hampered by a general ticket of many names, some of whom he may not know, and others he may not like. The operation being confined to narrow limits, and the result being small, the public excitement cannot be great. The exercise of suffrage, originating with the people, it must be inaccessible to corruption. It is a maxim universally admitted, that the body of the people is honest, and free from intrigue. It would indeed be inconsistent to suppose that the people should feel an interest in injuring themselves; that they should be corruptible, would be absurd. Otherwise, in the case of a legislative choice, or caucus nomination. With all these properties, it has that of being perfectly convenient.

The states of Georgia, Connecticut, New-Hampshire, and Vermont, all have chosen representatives by general vote: in each of these there may be a diversity of opinion and of interest; this appears obvious from the majority being so equivocal in some of them, as to make entire changes in their delegation. It is presumable, that by the district plan there might be districts, having decided majorities, differing from the prevailing sentiment of the state. And why should not these be heard in their due proportions? Difference of opinion is no crime. It arises mostly from difference of interest and

of associations. If there be a district in Connecticut, having a majority of what is called republican opinions; or a district in Georgia, of opposite sentiment, I should like, in either case, to see such districts represented here. Though there might be no great difference in the general momentum on either side, by this change, it would afford most happy consequences. Disappointment, in any measure, is then reconciled by the reflection that there was a fair trial. Kindred sympathies would be happily blended between distant climates, and geographical divisions avoided. The contrary is the consequence, in any larger mode of division, and especially in a general vote of states. Disappointment is then sharpened by considering that a fair trial was not had; that the sentiments of the minor divisions of the states were not heard. Antipathies would naturally become sectional between whole states and regions, being united in opposition to each other, respectively.

Of all species of division, none is so truly to be deprecated, as that of a geographical character. And that the mode of general vote tends this way, is clear, and that in filling the electoral colleges, as well as this house: for the very appearance of this united opposition in colleges within whole states and regions, to other sections, equally united, and this frequently occurring, will naturally lead to the same kind of local feeling. And as certainly too in a federative system, where each state is left free to regulate its weight in the balance, does it tend toward the mode of entire suffrage; and our experience proves it. The evil, then, is a national one, and a growing one. Its only cure is by a constitutional provision.

It is said that by adopting this amendment in the case of electors, the federative principle in that particular will be decreased. What is that federative principle? It consists mostly in the two extra electors being allowed to the states without respect to their relative sizes; this was a concession to the small states. And this is still retained by the amendments as there is no alteration in the distribution or number of electors. The right of the states indeed to regulate the *mode* of appointment being of a federative character, may be an object with some. But when the state is so united in sentiment as to present an undivided front, it may still do so, and the object is retained. When this is not the case, the loss in any state will depend on the relative losses sustained by other states in the same way, and the fraction of loss in any case is not worth the expense of the many evils resulting from the present unsettled course.

Mr. Root, of New-York, said that changes in the constitutions of governments ought never to be made on slight motives.

The first proposition contained in the resolution before the

house, was not, he said, to his mind, calculated to change the principles of the constitution, since it proposed nothing more than a modification of the manner in which a constitutional provision should be executed. That the people should elect their representatives in such a manner as to speak the voice of the nation most distinctly, was what the constitution intended.

But the other proposition, as now presented to us, contemplates an invasion of one of the great fundamental principles of our constitution. It was not so, as the honourable gentleman from North-Carolina seemed to suppose, that the great states had yielded to the smaller ones (at the formation of the constitution) two senators each. It was the small states that yielded a full representation to the large states in the popular branch according to their numbers. Before the adoption of the constitution, each state, large or small, had an equal voice in congress, as an independent state, confederated with others, on equal terms and with equal rights. But, the large states having to pay a share of the taxes in proportion to their numbers, the smaller states had conceded to the larger ones, that they should have a representation in one branch of the legislature in proportion to their numbers. One branch of the legislature, therefore, was representative—the other federative. The executive branch of the government was a compound of both; the people and the state sovereignties combining their powers to elect a President of the United States. Hence a small state containing sixty thousand souls, was entitled to four electors; while one of double the population had perhaps not five votes —because the electors are chosen on a principle which is a compound of the popular and federative principles, one of which this proposition proposes to invade. Those electors to be appointed to represent the people, Mr. Root said, he had no objection should be chosen by the people, and in the same districts as are laid out for the election of representatives; but the other two in each state, who were to represent the state sovereignties, ought to continue to be chosen as the legislature might direct.

Mr. HAMMOND, of New-York, said, that the resolution under consideration embraced two objects. The first part of it was intended to render the mode of electing the members of this house uniform throughout the United States; the other part was intended to produce a uniformity in the mode of choosing electors of the president and vice-president of the United States. He was in favour of both parts of the resolution.

The practice in many of the states under the constitution is, that the electors for president are chosen by the members of the state legislatures. This practice is, I think, inconsistent with the genius of our government. The American government is essentially a popular one. All power is declared to be derived

from the people. The voice of the people constitutionally pronounced at the poll of an election, is the only sovereign and independent exercise of authority acknowledged in this nation.

I contend that it is not right that the legislatures of the respective states should have the power of determining the mode of choosing electors for the president. The danger of a combination of great states to the prejudice of small ones, furnishes to my mind a strong objection to allowing to the respective state legislatures the power of determining the mode of choosing electors—*one hundred and eleven votes* will elect your president. The states of Massachusetts, New-York, Pennsylvania, and Virginia, give *one hundred and one votes*.—These four states, therefore, connected with a comparatively small state, can elect a president. Thus a mere bald majority of one in the state legislatures of five states can impose a president on the fourteen states, even if the inhabitants of the remaining fourteen states were to a man opposed to him. It is unnecessary to pursue this part of the subject further, because it must appear evident that if the constitution is not altered the minority can and possibly, nay probably, will govern the majority. It may be objected against the proposed amendment, that if adopted it will diminish the influence of the great states. Be it so. I am willing, sir, that the influence of the great states in their corporate capacity in the election of a president should be diminished.

The President is an officer who exists for the benefit of the people of the United States, and not for any one state or any part of the states. He ought not, therefore, to be created by the states, but by the people. The personal merit and political principles of the candidate are the only proper objects to which the attention of the electors ought to be directed. A great state, therefore, can not claim because she is great that she should furnish a chief magistrate for the nation. But so long as the legislatures of the respective states choose or direct the mode of choosing the electors, so long *state claims*, as they are called, will enter more or less into consideration in the selection of a president. Mr. Hammond said he had another objection against the choice of electors being made by order of the state legislatures. It was the danger arising from the influence of the executive of the United States on the state legislatures exerted for the purpose of continuing himself in office or of selecting his successor. And, sir, can it for a moment be doubted but that the state legislatures present bodies of men on whom the executive influence can be brought to bear with more effect than on the whole mass of the American people? I think not.

Mr. Ross, of Pennsylvania, said, that, for his own part, he had not given to this subject that attention which it merited, and was not prepared to vote on it at this moment. He was not

satisfied, if an amendment in regard to the mode of choosing electors was necessary, that one greatly preferable to that now before the house might not be adopted. When the constitution had been originally framed, it had been supposed, he said, that the members of the electoral colleges would get together, and consult as to the best persons upon whom to bestow their votes; but the practice under the constitution had shown this expectation to be idle, and that the election did not in fact turn upon the principle on which the Convention had intended to fix it. On the contrary, the presidential candidates were fixed and announced before the election of electors. Mr. R. thought the mode of election ought to be changed, but doubted whether the mode proposed would be the best.

Mr. RANDOLPH, of Virginia. To this proposition, he was opposed *in toto*, and would deliver his principal reasons as succinctly as he could.

It was not necessary, he said, to remind the house, that from the commencement of the federal government, the people of the United States had been divided into two great hostile parties. Although individuals had changed, the presumption was, that the parties remained pretty much the same at the present day—although deserters came and went from the one to the other, as suited their interests or their views of political advancement, the principles of the parties were not much changed. One of the great leading causes of the division of the American people, was the greater or less regard they were disposed to show to the powers of the states. It had been often said before on this floor, but perhaps it might not be amiss again to state it, that the difference between the two great parties consisted, on the one hand, of a devotion to the general in opposition to the state governments, and, in the distribution of the powers of the government, of a leaning, a bias, an attachment to the executive branch of the government—to that branch more remote from, and apparently independent of, the people, than this house. I, said Mr. Randolph, was brought up in the school, and have never yet been expelled from it, which upheld the rights of the states in opposition to the rights of this masked monarchy—for such our government is; of the rights of the popular branch of the government, in opposition to the other branches of the government, in all cases (be it remarked) of doubtful construction.

Mr. Randolph said, then, he was opposed to this resolution for the simple reason that it contemplated an abridgment of the powers of the states—that was enough for him. He was not one of those, who made new and great discoveries in politics—such as, that the powers of the states were too great and ought to be diminished. If there were no other objection to this proposition, it would be sufficient for him that it went to abridge the powers of the states.

He was against this proposition on another ground. Because it went not merely to abridge the rights of the states, but because it did go to change the terms of the compromise upon which these states had come into the confederation; to diminish very much the power of the large states, without in the same ratio diminishing that of the smaller. This constitution *might* be, as the gentlemen had told the house, a popular government; but, said Mr. Randolph, I deny the fact. It is not, it never was, a popular government.

If this were a popular government, why not introduce a resolution to this effect—That for every representative on this floor an elector should be chosen by the people? Why have we two additional electors in each state? Because of the compromise at the commencement of the government between the large and small states.

We must view this constitution as a compromise among the confederated states; which, he said, was the only principle on which a sound and practical statesman could find himself justified in acting in regard to it. Whenever that compromise was touched, if the balance was not nicely adjusted, if the centre of gravity was removed no matter how little, it would be impossible for any member of this house to divine the consequences.

This proposition, appeared to him to strike at the very root of the constitution of the United States. To that constitution many of the ablest and best men in the country had been strongly opposed, on the ground that the powers of the states would be too feeble to cope with the powers of the general government.

As long as he had a seat on this floor, he should feel it his duty to oppose any proposition, which would in any degree tend, first, to diminish the actual powers of the states; and, secondly, any proposition which went in any degree to change the existing compromise of weight and influence in this government, between the greater and smaller states. The truth was, if the large states had a proposition to make, affecting their weight in the government, so as to make it less in proportion to their wealth and population, it became the duty of the small states to enquire what they could give the large ones as an equivalent. In all public matters, where previous proportions have been settled, upon which the government of a country is to be carried on, any proposition going to change the fundamental state of the parties, is and ought to be met by a corresponding proposition of so much, by way of equivalent. He had a full, a firm persuasion, that this matter had not received the consideration to which it was entitled, and which he hoped it would receive before the house determined it.

Mr. WRIGHT, of Maryland, said, the adoption of this resolution will produce uniformity in the mode, and stability in its duration, by being made an article of the constitution, so that every state will be represented, as *it is*—by a member of the political character of the district, which by a general ticket would be taken away, and thereby the minority of the states would be wholly unrepresented, in the legislative council of the nation.

The question was now taken on the first member of Mr. Pickens' proposition, that relating to the election of representatives, and decided affirmatively, 86 votes to 38.

Mr. JEWETT, of Vermont, proposed to strike out all the residue of the proposition (relating to the election of electors) and in lieu thereof to insert an amendment proposed by him, the object of which was, that the electors of each state should be chosen from the representative districts; the two extra electors to be chosen by the legislature of each state.

Mr. GASTON, of North Carolina, said, that the amendment proposed by the gentleman from Vermont (Mr. Jewett) ought not to be acted on without some consideration. The plan of his honourable colleague was to divide each state into as many districts as the state had electors, and in each of these districts to have an elector chosen by the qualified voters among the people. The plan of the gentleman from Vermont, was to divide each state into congressional districts only, from each of which an elector was to be chosen by the people, and to vest the legislature of the state with the power of appointing the other two electors. This latter proposition was supported by some considerations not to be disregarded. In the first place, it seemed more to consist with the theory of our federal constitution, which, in regard to the choice of a president, kept in view as well the federative as the popular principle. It would be recollected that in apportioning electors to the states, the constitution had regard to their population, by assigning to them as many electors as they respectively had representatives; and had also regard to their federative capacity, by assigning to each, without distinction, two electors, as it had assigned to each of them two senators. Now, there would be an obvious congruity in giving the appointment of the two electors to which each state was entitled, as a member of the confederacy, to the legislature of the state which represents its independent sovereignty; while the electors who represented the population of the state, should be chosen by the people, in proportion to their numbers. It was probable, too, that some inconvenience might result from the double division which it would be necessary to make of each state, upon the plan of his colleague; a division into districts, for the choice of representatives, and another division into districts, a little more numerous, for the choice of electors. On the

other hand, there was a simplicity in the original plan, which could not fail to recommend it, and a complexity in that suggested by the amendment, which perhaps more than overbalanced its advantages.

To the principle of the proposed amendment of the constitution, I am, indeed, said Mr. Gaston, a most zealous friend; and instead of feeling either astonishment or regret at the vote which has just past, I hail it as a happy augury of that which will obtain on the remaining branch of the proposition. No man more reverences the constitution than myself. No man would dread more any rash innovation on its principles. But this is not such an innovation. It alters not the fundamental terms of the contract—it merely regulates in detail, in conformity to these fundamental principles, a subject which had been left for regulation to the different state legislatures, and which experience has shown ought to be regulated in the charter itself. And are we, in respect to the constitution, to renounce the benefits of experience? Shall the lessons of practical wisdom, which are taught in that school, be received in vain? Such was not the design of the framers of the constitution. They were aware that time would make manifest defects in that instrument, which no political sagacity could foresee, and they therefore provided, by the instrument itself, a process for its amendment. Surely, if experience has taught us any thing in relation to our form of government, it has shown that there ought to be an uniform and permanent mode of appointing electors. It is demanded by the honour of our country, that some remedy should be devised to cure the shameful disorders which are obtruded upon our view, on the approach of every presidential election. I speak without particular reference to parties, when I say the mode is every where made subsidiary to the immediate views and interests of the dominant faction. Nor do I think that we subject ourselves to the censure which the honourable gentleman from Virginia (Mr. Randolph) bestows on those who claim, as a part of the federal government, the right of arraigning the conduct of the state legislatures. We do not now act in our ordinary capacity, as a branch of the federal legislature; we act in that peculiar character which has been imparted to us by the constitution, of initiating amendments which are to be submitted to the confederation of the states. And it would be strange, indeed, if those to whom the people have granted this power, were chargeable with arrogance when they enquire into the existing defects, and point out a suitable remedy; whether those defects are found to be inherent in the instrument itself, or to arise from the maladministration of those whom that instrument has made the depositories of confidence.

Surely there has been no precipitance in congress; certainly the subject is now understood, if it ever can be understood. Nor

can I think that the legislatures of New-York, Pennsylvania, North-Carolina, Massachusetts, and Virginia, large states too, supposed they were seeking to break down state power, when they sanctioned and recommended such an amendment. It is true, that such an amendment, in *form*, abridges the power of the state legislatures—for it narrows their discretion as to the mode of appointing electors. But let it be shown, (and if any gentleman can show it, it will be the gentleman from Virginia) that it deprives them of any *beneficial* power, of any power which can be available to them, by way of securing an equilibrium against federal authority. The fact is, that it only takes away from them a matter of detail and regulation, onerous in itself, furnishing the materials for factious intrigue and manœuvre, and productive of no advantage to the states.

He would notice another remark of the gentleman from Virginia. It had been said, district elections of electors would diminish the relative strength which the great states had in this confederacy; and that whether this strength was disproportionate or not, they were entitled to it by the original terms of the association, and ought not to be deprived of it. To this argument, it might be answered that it was the great states themselves which had requested this change, and surely it was not for them to complain of the alteration. But even if such complaint could be made, he begged that it might be remembered that their present disproportionate power arose not from the original terms of the confederacy, but from an alteration which had been made in those terms. It was to the amendment of the constitution, directing that the electors should designate, by their votes, between the president and vice-president, that the great states now owed their exclusive claim to these offices. And if the effect of the proposed amendment should be to communicate some additional power to the smaller states, it would be but to restore the ratio fixed by the original compact.

Mr. Grosvenor of New York, said, there could be no doubt that the constitution was founded on a compromise of the interests, principles, and prejudices of the various states; and it was as little to be doubted, that in that instrument were to be found a combination of two distinct principles, the federative and the popular. In some parts the people were recognized as citizens of the union, and were empowered to exercise their rights without the control or check of the state governments. In other parts they were recognized as citizens of distinct sovereign states, and empowered to exercise their rights as members of the union, only through state organs. The framers of the constitution deemed this combination of distinct principles and distinct sovereignties in our government, as essential to its success and duration; so essential had the full support of the federal principle in the government been deem-

ed by him, that he never doubted that he was the evil angel of our system, who should have influence enough to strip the states of their dignity and their sovereignty, and to consolidate all sovereign power in the general government.

Mr. G. said, he must view with great jealousy every proposition bearing an aspect unfriendly to the rights and influence of the states: and if, as an honourable friend had stated already, by amendments of the constitution, branches of power and sovereignty have been lopped from the state governments, and grafted on the general government, so far from furnishing an inducement to make further inroads on the power and dignity of the states, it was a strong argument against this or any other attempt still further to reduce them.

To a constitution, framed like our own, the result of compromise and contract among independent sovereign states, complicated and novel, the above remark applies with peculiar force. I hold it, therefore, as a political axiom, that no essential or important provision of our constitution is to be destroyed or changed, until, by a fair and full test of practice and experience, it is found productive of evils highly detrimental to the the state, and which, without such destruction or change, cannot be remedied.

But, said Mr. G. if any provisions of our constitution, should be held more sacred from innovation than others, it was surely that class which divided and distributed the sovereign powers of the country between the states and the general government. Prominent in this class, is the provision now proposed to be abolished; it provided for the election of a chief magistrate, the most interesting as well as important object provided for by the constitution.

Thus, is this right vested in every state, to be exercised according to its sovereign will, without the slightest control of any earthly power. It is a great and distinguished attribute of sovereignty—a substantial, sovereign, independent right to designate the man who shall preside over the union.

But, really, sir, I would yet ask, what are the evils which result from this exercise of right by the states? And how does this proposed amendment provide a remedy?

1st. We are told that there is a great want of uniformity in the manner of choosing electors in the several states; that in some, that choice is by districts; in others by general ticket; in others by the legislature.

And pray, Mr. Chairman, who informed the hon. mover of this amendment that this was an evil? Why is uniformity desirable? Of what importance is it to Virginia that New York appoints her electors by the legislature, or to New York that Virginia appoints her electors by general ticket?

But another evil is mentioned—the power and influence of

the great states. It is said that Massachusetts, New York, Pennsylvania, and Virginia, by obtaining twelve votes from any other state, and adding them to their united suffrage, may elect a president in defiance of all the other states.

But do gentlemen imagine that by this amendment they provide a remedy for this evil? They are utterly mistaken. Against this evil, the constitution originally contained an effectual antidote; it contained a provision, directing the votes to be given indiscriminately for president and vice president, and he who had the greatest number became the chief magistrate.

This secured to the small states the power of defeating the combination of the larger states in favour of any individual or any state.—It also enabled any minority of states to defeat any caucus nomination of any individual. The madness and folly of the small states surrendered that provision to the violence of party.

Another evil has been mentioned—a minority of the people of the Union *may* now actually elect a chief magistrate.

If this be so, how is a remedy provided by this amendment? This is not the result of the mode in which electors are appointed, but of the existence of electors in our system. So long as an intermediate body of men is interposed between the people and the president, upon the vote of which the election depends, such an event is of course possible. No matter how that intermediate body of men is elected, whether by districts, by general ticket, or the legislatures of the states, so long as it is constituted of members elected in the different states, and so long as it is a body which independently may call any man to the chief magistracy, it may always happen that the voice of the minority of the whole Union may elect the president.

If this be an evil, it results solely from the admission of electors of president into our system. There is no effectual remedy, but to strike from the constitution the office of elector, and vest the election directly in the people. I imagine gentlemen, in all their rage of innovation, are not prepared for a change so radical and dangerous: and when we consider that the case has not yet occurred, nor is likely ever to occur, we need not feel much anxiety to provide barriers against it.

Another evil has furnished a topic for much declamation. We are told, that in some of the states the voice of the minority is entirely unheard in the election of president.

And is not the voice of the minority always ineffectual in every election? There is nothing novel in this. If the states are districted, the minority are in the same predicament. The voice of the minority in each district will never be heard; and thus the mischief, if indeed it be at all a mischief, the same in principle, the same in extent, but varied only in form, would remain in all its force.

The truth is, in every election, no matter what its form, the will of the majority must prevail. Their voice must be victorious in every choice; and that of the minority must be unregarded. The committee must at once perceive the vanity of any attempt to remove a consequence flowing directly from the nature of every free government, and from the essential principles of representation.

I come now to the last and great complaint—executive interference in the election of a successor. The deformity of a legislative caucus—state intrigues—have been rung in our ears without cessation.

But by what strange course of reasoning have gentlemen brought themselves to the conclusion, that this proposed amendment will prevent the recurrence of these alarming scenes? Vain, and worse than vain, is this effort to restrain a dominant party. Divide the state into districts, will that destroy the caucus? O, no; the men whose interest it may be to preserve the monster, will still protect him. He will laugh at your vain attempts, and again and again, trampling down the weak fences of the constitution, he will, as it shall please him, or rather, as it shall please the existing executive, make and unmake presidents with the same ease as did the prætorian cohorts the masters of the Roman world.

Do gentlemen think that districts will be less under the control of a caucus than states? or that states, when districted, will be less subject to his influence than at present? On the contrary, in proportion as you narrow the territory, the intelligence, the wealth, and the integrity upon which that influence is to operate, do you give force and facility to its operations. Do you believe the future candidates, the future secretaries of state, will be destitute of the powers of calculation? They will be able to count the districts secured to their influence, and those that are of doubtful or opposite character. In the latter it will only be necessary to secure a few leading men, and upon them they will bear down with the united influence of a legislative caucus, the patronage of the general government, and the power and intrigues of the state, in which the districts are situated. Can they fail thus to triumph in any district. Let it not be forgotten too, that these districts are to be arranged by the states themselves. Will they fail so to arrange them as to give the most ample facility to all this sinister influence?

With these facts in full view, can gentlemen hope any good from their districting plan?—Will it prevent future caucussing? Will it prevent state intrigue? Will it secure a fair hearing to the voice of the minority in each state? Will it palsy executive influence, or prevent executive interposition? On the contrary, the vilest character of party will be exhibited, in contriving districts to give an undivided party vote. Each district insu-

lated and unsupported, will become the victim of caucus influence, state intrigue, and executive patronage.

Mr. Chairman, the source of all these evils is the practice of legislative caucussing; this practice must cease, and with it the evils will vanish—no amendment of the constitution will effect this desirable object. The constitution now provides that no member of congress shall be qualified to vote for a president. Yet have not the majority of congress expressly violated the spirit of this prohibition? Have they not in truth, by this new invention of caucussing, become electors de facto of the chief magistrate? True, they only "*recommend.*"—Sir, let us not be imposed upon by the juggle of names. Do we not know that this "recommendation" made in solemn convention, signed by chairman and secretary, is tantamount to an election? Has not experience shown beyond the power of cavil, that when the caucus at Washington decides, the business is substantially done—and all that remains is a ceremonious meeting of men chosen and pledged to register in due and constitutional form the mandate of the caucus? The constitution then is violated—and if a dominant party in the legislature of the nation can thus openly trample on the charter, and if the delusions of party can prevail on the people to view with applause the proceeding, is it not mere babbling to talk of erecting other constitutional fences to guard the purity of election?

SENATE OF THE UNITED STATES.

March 30, 1816.

THE amendment proposed to the constitution of the United States, for establishing an uniform mode of election, by districts, of electors of president and vice president of the United States, and of representatives to congress, being under consideration—

Mr. Barbour having stated his idea of a marked difference in principle between the two objects of electing electors and representatives; in which view he was seconded by Mr. Lacock; and Mr. Mason, of New-Hampshire, having remarked thereon—

Mr. BARBOUR said, that it was essential to the character of a pure representation, that the representative should have a common feeling with his constituents; that he should know their wants and be possessed of their sentiments. Residence is part of the proper character of a representative, who ought

not to be placed at such a distance from his constituents, that he can know neither their wants nor their feelings. The case is different with respect to the election of electors, in respect to whom that personal knowledge is not necessary to their constituents. Not, Mr. Barbour said, that he would take the power of electing a president of the United States out of the hands of the people. God forbid, said he, that the power of electing a president of the United States should be lodged in any other hands than those of the people themselves. The whole congress uniting, dictating a nomination, would weigh no more than a feather in the balance against the public will: any dictation in opposition to the public sentiment, would be considered as an outrage on the rights of the people, and justly scouted by them. The man who is chosen an elector knows the sentiments of his constituents, which he is bound to carry with him into the electoral college, and which only it is his duty to express. The people emphatically elect the president; but those selected to express their will, may be chosen by general ticket without violating the representative principle. Mr. Barbour was, therefore, opposed to that part of the proposition before the senate, which embraced the electors of president and vice president. In regard to the inconvenience of laying out states into districts for electing representatives, he said, he could not see the inconveniences suggested, as it would occur but once in ten years. The advantages of an uniformity in the mode of election, he said, was obvious in regard to representatives. It would put down all that manœuvring which would repress the sentiments of the people by a juggle, which, he said, was an inconvenience much greater than the labour of designating the metes and bounds of a district. In consequence of the elections by districts in the large states, and by general ticket in the small states, an undue preponderance had heretofore been given, Mr. Barbour said, to the small states in the councils of the nation. The general ticket for electors had its origin in one of the eastern states, to which we are indebted for many political ideas; it had been received with great opposition indeed, but from self-defence the southern states had been most of them obliged to follow the example. Under the district system, Pennsylvania exhibited a melancholy spectacle: whilst the small eastern states gave each many votes, the weight of Pennsylvania, great as she is, dwindled down to a solitary vote. Pennsylvania, which should have loomed in the horizon as large as any state in the union, became invisible in consequence of the general ticket being resorted to. To regain her station in the union, she was compelled to follow the example. Virginia, also, obliged by inevitable necessity, arising from the principle of self-preservation requiring her to counterpoise that system which had made its appearance in another quarter of the union, reluctantly

resorted to it. After some further illustrative remarks, Mr. Barbour said, in every point of view, he was now opposed to districting the states for the election of electors; whilst he considered the remainder of the proposition before the senate as a recurrence to the true principles of the constitution, which required that representatives should be uniformly elected by districts. The representative body would then be that pure organ of the popular will in the national councils, which the spirit of the constitution intends it.

Mr. MASON, of New-Hampshire.—As to the election of electors, and the observation that the voice of the whole congress, united in favour of any man, would be but as a feather in the scale, Mr. Mason said it was a feather which always had turned, and always would turn, the balance. He spoke not with reference to any particular transaction; but, let the congress continue to make their nomination, the state legislatures their nominations of electors, and these two together would for ever give a president to the United States. All the arguments of the gentleman in favour of electing representatives by districts apply, but with much greater force, to the election of electors: for here is the great pressure of danger; in this point, may it always be expected that an influence will be exerted over the people, which he said he knew no way of counteracting, but by putting each elector within the sphere of the personal knowledge of those who are to choose him. With this view only did Mr. Mason incline to favour this part of the proposition to amend the constitution, which, if adopted, would make it more difficult that any thing like dictation should be practised in the case of the election of electors. The election of electors by districts, would tend to take the power of appointing the head, out of hands in which the constitution endeavoured to prevent its ever being placed. He was, therefore, favourable to that part of the motion before the senate which related to the election of electors.

Mr. KING, of New-York, said that, so far as regarded the manner and time of choosing representatives and senators to congress, a majority of the congress may by law establish the very manner of choosing representatives, which was now proposed to be erected into a constitutional rule. It seemed to him, therefore, unnecessary to alter the constitution by imposing a rule, when, according to the constitution, a competent power can now make the same regulation by law. Not so with that part of the amendment before the senate, which the gentleman from Virginia proposed to strike out. The states may now severally direct the manner of choosing their own electors: it is proposed that the manner shall be prescribed by the constitution. This, Mr. King thought would be an important change,

and the only change suggested in the constitution which he deemed an improvement. He thought he might venture to say, that if there was any part of the constitution deemed by its framers and advocates to be better secured than any other against the enterprizes which have since occurred, it was the very provision on the subject of elections to the presidency. The idea was that the action of that particular agency which has since controlled it, was as much displaced by the constitutional plan of election of president and vice president, as could possibly be devised. The opinion had been that all undue agency or influence was entirely guarded against; that the men selected by the people from their own body would give their votes in such a manner as that no opportunity would be afforded for a combination, to change the freedom and popular character which naturally belonged to the electoral bodies. Such had been the idea of the nation at the time of the adoption of the constitution. We all know, said he, the course which this thing has taken. The election of a president of the United States is no longer that process which the constitution contemplated. In conformity with the original view of the authors of that instrument, I would restore, as thoroughly as possible, the freedom of election to the people: I would make the mode of election uniform through the country, by throwing the whole nation into as many districts as there are electors, and let the people of each district choose one elector. One idea on this subject he thought worth more than all the arguments against this course: that then all the people in the country would stand precisely on the same footing; and no particular addresses could be made to the special interests and particular views of particular men or particular sections of the country. The course now pursued in this respect, Mr. King said, was not entitled to that high distinction. On the contrary, those who reflected on it could not help seeing that our progress in government was not for the better; that it was not likely hereafter to be in favour of popular rights. It was with the people the constitution meant to place the election of the chief magistrate, that being the source least liable to be corrupt. But if, under the name of the liberty of the people, said Mr. King, we put this power into other hands, with different interests, we place it in a situation in which the rights of the people are violated. In this point of view, to him (he said) this particular clause of the proposed amendment to the constitution was of great value. Let the question of the mode of election of senators and representatives rest where it is: if congress choose to interpose, let them. The other part of the proposition was in favour of the rights of the people, of the freedom of the country; for with regard to these rights and freedom, no man could name a matter so important as the choice of the president of the nation. It is an infirmity in our natures

that we look for chiefs and rulers, either for their superior virtue, or their supposed subserviency to the views of those in subordinate situations. It was against the evil of the latter principle, Mr. King desired to guard. The liberties of the people, repeated he, of which we speak much, and I hope we feel much, are more affected by the choice of president than by any other ordinary political act. In this point they are vulnerable: here ought the rights of the people and of the states to be guarded. Our existence and the passions of the present day are ephemeral: public liberty should be immortal. Considering that this body should be to the people and the states not only the safe guardians of their rights but the protectors of their liberty, he hoped they would adopt a provision he considered so nearly connected with the perpetuation of both.

Mr. BARBOUR, in reply to Mr. Mason, (who denied the force of the distinction in principle between the election of electors and representatives by a general ticket,) said, that in elections for representatives by general ticket, men were frequently elected to congress in that mode, who would not have been permitted by the people to represent the district for which they are elected.

Mr. MACON, of North-Carolina, said, there was nothing more certain to his mind, than that the mode of election of electors ought to be uniform throughout the United States; because if it were otherwise, it was possible that a minority might elect the great officers of the United States. A small state, unanimous for one candidate, might by general ticket counterbalance the weight of two large states voting by districts. There was no way but by uniform district election, he said, to obtain with certainty the sense of the people. The state which he represented had, until lately, been in the habit of forming two sets of districts—the one for representatives, and the other for electors, and had not experienced much difficulty in it. Was it not better to surmount this small difficulty than to have different principles of election in different states. Although it were true, as had been stated, that congress could regulate the mode of choosing representatives, it was to put it out of the power of any party to change the mode of choosing representatives; it was to put it out of the power of any party to change the mode of election to answer any particular purpose, that he would make an amendment to the constitution in this respect, to prevent such changes as the states had made in the mode of electing their electors. The best interests of the country, in the opinion of Mr. Macon, required that both clauses of the proposed amendment to the constitution should be agreed to; which would, as much as possible, put it in the power of the people to elect the men whom they prefer. A fair canvass never had taken place, nor ever could take place, in voting by general

ticket, where the people, instead of having a personal knowledge of those for whom they vote, must take their characters on trust. Another reason for fixing an uniform mode of election by the constitution, was, that at present doubts are entertained of the constitutionality of both modes of election, in the quarters of the country where they respectively occur, &c.

Mr. LACOCK, of Pennsylvania, moved to recommit the resolution with instructions to report an amendment to provide for the election of president and vice president by the electors of each state qualified to vote for the most numerous branch of the state legislatures.

Gen. HARPER, of Maryland, said, as he might be called away by other business before this question was decided, he would take this opportunity of expressing his opinion, and his hope that the motion last made would not prevail, because it seemed to him that the principle it embraced was infinitely less expedient than that now on the table. It would have a tendency to produce more anomalies than now exist in the constitution; to refer the election of president to a less certain rule than we have at present. It would induce a great deal of unnecessary trouble and vexation, and would at last come to the same result, as in the more simple and less embarrassed mode by the choice of electors. As to the main proposition before the senate, Mr. Harper said he was decidedly in favour of it, for this general reason; that its adoption would tend to make the elections of president less a matter of juggle and intrigue than they now are. He would not say that it would have the effect of wholly excluding intrigue, of placing this great election on the footing on which the great men who framed the constitution vainly imagined they were placing it, of a free unbiassed expression of the public will; but he thought it would bring it nearer than at present. Party arrangements and bargains would not be so easy. Bargains could not be so readily struck with one state for this great office, with another for that—he would not say as *had been* done, but certainly as *may be* done, according to the present mode of election. Districting the states for electors, Mr. Harper said, would in his judgment have a tendency to render the presidential election more free and independent; to remove it more from the grasp of party arrangements; to prevent bargains between profligate agents, and the selling of the nation for offices to the highest bidder. He was therefore decidedly opposed to striking out that part of the proposition before the senate.

On suggestion of Mr. Dana, Mr. Lacock having so modified his motion as to divest it of its peremptory character, and make it a motion for enquiry merely—

Mr. DANA, of Connecticut, said, as the views of the convention on this subject had been mentioned, he would state, that

he once had permission to examine the original journals of the convention in the office of state; and it appeared that, in regard to the election of president, almost every possible mode had been tried and rejected. It was proposed at first that the election should be made by the national legislature. This was agreed to, but afterwards reconsidered. It was then proposed that the president should be chosen by electors elected by the several states: this was rejected. It was then proposed, and rejected also, that he should be chosen by the people. The real fact was, the convention, in forming a government of which there was no model in history, had great difficulties to surmount. Projects of all kinds were tried, and none could succeed to their satisfaction, on this particular point. At length, after many fruitless votes on different propositions, a grand committee was appointed to consider the subject. They ultimately adopted the compound ratio which now exists, and added the feature of the vice presidency to the system. So far as regarded the most certain mode of guarding against cabal and intrigue, the very circumstance of districting a state for ten years at a time, is that which would enable men to intrigue with certainty to a particular point. To guard with certainty against intrigue, the mode of election should be left uncertain. The whole plan of districting the United States, he said, was more completely adapted to the purposes of intrigue, bribery, and corruption, than any that had ever been devised. Believing thus, he must vote against it, not taking it for granted himself that mere change will prove a remedy for existing difficulties. The distinction between the two parties which formerly existed, Mr. Dana took occasion to say, was now, or soon would be, merely nominal. Where was the difference between them now, he asked, except that those on one side had gone beyond the others, and the others had fallen a little back? There might be a nominal artificial distinction, but there was, in fact, but very little real difference. The general violence and error of party, he said, was purity itself, compared with the personal corruption that we have to guard against—the difficulty of preventing which will be increased rather than diminished by electing wholly by districts.

Mr. Mason, of New-Hampshire, conceived the idea of Mr. Lacock to be wholly impracticable. The qualifications of voters in the different states were so entirely different, that the whole election would be unequal in its bearing on the different states. One state has not, in some instances, according to its population, one-fourth of the votes which another state may give, &c. If there were no other objection to this new proposition, this would be of itself conclusive.

Mr. King. All experience, he said, had shown that the people of any country were most competent to a correct desig-

nation of their first magistrate. So far as history affords us light, it leads us to this point: that, in times of difficulty and peril to a nation, when it is in the utmost need of superior talent for its high stations, no tribunal is more competent to discern and select it than the people. Intrigue, turbulence, and corruption, may have some sway in quiet times, when all is tranquillity in regard to the general situation of the country; but when the ship of state is in peril and danger, turbulence ceases, and the best men are by an instinctive power fixed on by the people for their governors. That has been wonderfully illustrated by history; and the best designations of magistrates have been produced in this way. My sober view is, said Mr. King, that as to the election of chief magistrate of this nation, no body is so competent as the great body of the freemen to make a proper selection. Whether, on this question, their first impression should be taken, was, Mr. King said, a question of great importance. There would be great difficulty in making the returns of the votes; those who collected and compared the votes might defeat the choice of the people, &c. Not, he said, that these objections were insuperable. He was persuaded that the course of things under the present mode of choosing a president was in its nature pernicious; and that it had a tendency to prevent the object intended by the constitution, of a pure elective magistracy. Men now live, said he, who will probably see the end of our system of government as we now go on: terminate when it will, that termination will not be favourable to public liberty. For five years past, Mr. King said, he had seen a character developing itself, the predominance of which he feared. Not a people on earth, he said, were more capable of high excitement than this people. During the excitement of the passion to which he referred, if a contested election occurs, the gownsmen must stand aside; another character supersedes them;—and there can be little difficulty in judging what will be the result. The march from military rule to despotism is certain, invariable. Those who think they see the probable tendency of our present system should interpose something remedial. The people in this particular are the best keepers of their own rights; and any device to remove that power from them weakens the security of it. Mr. K. said, he was anxious that the senate should come to this question without the feelings of party: it was one involving all their interests, and those of their families and descendants. He knew, he said, that this proposition, if agreed to, would break down the power of the great states. He had no objection, if in curtailing their power, the same measure regulated the rights of the whole nation equally. He was willing to let the election for the presidency rest wholly on the people.

Mr. Fromentin, of Louisiana, said, that although in favour

of the principle of the original proposition for an uniform mode of election, there was such a disposition to run away with the question, he could not but regret it had been proposed at all. It was now proposed to refer the election of chief magistrate of the United States to the people at large. He could not conceive how, in the spirit of the government in which we live, it would be possible to ascertain the result of such an election. The honourable gentleman from New York had hinted at some of the possible consequences and difficulties of it. I am, said Mr. F. as fully persuaded as the gentleman from New York, that the people are the source of all power; that, as long as they are uncorrupted, their liberties are in no danger. In reference to the cases of ancient republics, it had been said, that the people had never been mistaken in their choice, in the hour of danger, of a proper character for their chief magistrate. But, is our situation to be compared to that of those republics? What were Greece and Rome to the United States? Although the choice there nominally fell on the people, it was on those of a few adjacent cities, who exercised the whole authority, and pointed out some man on the spot qualified for the exigency of the moment. Look at the vast expanse of our country, from Maine to Louisiana—no such election could here be made in case of emergency: before it could be consummated we should be devoured by the monster which threatened us. It is not possible to suppose such a state of things in this country, as that from which the gentleman has drawn his analogy. However the practice of electing electors by state legislatures might have prevailed, Mr. F. said, he could find nothing in the constitution which sanctioned what he should, with due deference, call this usurpation of power by the state legislatures. There was but a single step from one usurpation to another, and it was time a just construction should be given to the constitution. If no other good results from this discussion but the establishment of an uniform mode of election by all the states, the senate would be abundantly compensated thereby for all the time they had consumed in the discussion of this subject. The officer to be elected was the officer of the whole community, as much of Massachusetts as of Georgia, of Connecticut as of Kentucky. Why then should a different mode of election prevail in different states? Mr. F. examined the progress of elections under the present system. The legislatures of some states may keep back their election until the day before the election of president is to take place, and may appoint electors out of their own body too; and those electors, having ascertained the opinion of other electors, (which the constitution, by fixing the same day for the election in every state, meant to guard against) decide which ever way they can make the best bargain, or their interest inclines. It was with a view to remedy this and similar evils

which have existed and do exist, that he was in favour of the proposition to amend the constitution, but against the motion to refer it.

The question on Mr. Lacock's motion to refer the proposed constitutional amendment to a committee, with instructions to enquire into the expediency of so amending it as to refer the presidential election in the first instance to the whole people—was decided as follows:—

Yeas.—Messrs. Bibb, Brown, Campbell, Daggett, Dana, Gaillard, Goldsborough, King, Lacock, Roberts, Sanford, Tait—12.

Nays.—Messrs. Barbour, Barry, Chace, Condit, Fromentin, Horsey, Howell, Hunter, Macon, Mason of N. H. Mason of Va. Morrow, Ruggles, Talbot, Thompson, Tichenor, Turner, Varnum, Wells, Williams, Wilson—21.

So the motion was negatived.

The question was then taken on Mr. Barbour's motion to strike out of the proposed article so much as requires an uniform election of electors by districts:—

Which motion was decided in the negative as follows:—

Yeas.—Messrs. Barbour, Barry, Bibb, Dana, Gaillard, Lacock, Mason of Va. Roberts, Ruggles, Sanford, Tait, Wilson—12.

Nays.—Messrs. Brown, Chace, Condit, Daggett, Fromentin, Goldsborough, Horsey, Howell, Hunter, King, Macon, Mason, N. H. Morrow, Talbot, Thompson, Tichenor, Turner, Varnum, Wells, Williams.—20.

Mr. Barbour then moved *to postpone the whole subject indefinitely.*—Agreed, 18 to 14.

COMMERCIAL INTERCOURSE WITH FOREIGN NATIONS.

HOUSE OF REPRESENTATIVES.

On the 5th of February, 1816, Mr. King of Massachusetts, presented for consideration the following resolution:—

Resolved, That the committee on foreign relations, be instructed to inquire into the expediency of excluding from the ports of the United States, all foreign vessels, owned in, coming from, bound to, or touching at, any of his Britannic Majesty's possessions in the West Indies, and in the continent of North

America, from which the vessels of the United States are excluded: And of prohibiting, or increasing the duties on, the importation in foreign vessels, of any articles, the growth, produce, or manufacture of such possessions.

This resolution underwent much discussion, but was finally laid upon the table, and the subject not again introduced during the same session.

January 27th, 1817.—There was introduced into the House "A Bill to prohibit all Commercial Intercourse with ports or places, into or with which, the vessels of the United States are not ordinarily permitted to enter or trade."

January 30th, The House in committee of the whole, Mr. BRECKENRIDGE in the chair, on the bill "to prohibit all Commercial Intercourse with ports or places, into or with which, the vessels of the United States are not ordinarily permitted to enter and trade."

MR. KING of Massachusetts, observed, that it was only necessary to suggest to the committee the great importance of the subject under discussion to insure to it all the attention it demanded. It was not a subject that respected particular classes in society, or particular sections of the country, but it had a direct bearing upon our national prosperity and national defence. Commerce and navigation were indeed indivisible, and their intimate connection with the agricultural and manufacturing interest was known to all. The regulations proposed by the bill bore no analogy to the restrictive system, commencing with the non-importation act of 1806, and ending with war in 1812: that was not to regulate commerce, but to convert it into an engine of war, which re-acted with greater force upon our citizens than it acted upon our enemy. The present regulations, if adopted, would be in self-defence to retaliate upon foreign nations some of their injurious impositions. It never has been the policy of this country to begin a system of this kind, but it is her true policy to countervail the regulations of other nations.

A free and fair commerce with all the world is what we wish—an absence of all restrictions; but if other nations will not pursue this course, we must retaliate, or sacrifice the best interests of the country.

We admit all the productions of England; she refuses, or lays prohibitory duties on many of ours: all our ports are open to her; one third of her ports are closed against us. She told our commissioners at Ghent, we had nothing to offer in exchange for her colonial ports:—Have we not a most extensive and lucrative commerce to offer for them, a commerce if not essential to their existence, at least necessary to their growth and prosperity?—Shall it be said we have nothing to offer for the trade

of these colonies, when they now receive in British bottoms three quarters of their supplies from us? No, sir, pass the laws on your table, and at your next negotiation, you will have in them stronger arguments than any of your commissioners had at the formation of the late convention, as it respects the colonial trade. In little more than two years that convention will expire; you will probably treat again upon the subjects embraced by it —these laws will aid you in obtaining a true reciprocity in commerce. All nations disposed to act on high and honourable principles will find America anxious to do the same. If they are disposed to remove all restrictions from commerce, America will do the same—such is the language of her statesmen—such the language of her laws.

Permit me now, sir, to ask the attention of the committee to the principal features of the British navigation act. It is a wise and aged monitor; it has existed for more than one hundred and fifty years; the most profitable and best counsellor the British monarchy ever possessed. And I sincerely hope that our country will draw much profit and instruction from the same source. The following account of that act, greatly abbreviated, is taken from Chitty's law of nations; some of the additional acts have received modification since he wrote, particularly in relation to this country.

The great navigation act, as it is called, of Great Britain, passed before the restoration, viz. 9th Oct. 1651, and was intended "*to cripple the Dutch trade.*" The subsisting act of navigation, was passed 12 Charles 2d, c. 18. Its principal provisions are threefold.

1. Relating to the coasting trade of Great Britain.
2. Her trade with other independent states.
3. The trade she carries on herself, or permits other states to carry on, with her plantations and foreign possessions.

The first is confined solely to British bottoms—the master and three quarters at least of the seamen English—and is from one port or creek of England, Ireland, &c. to another port or creek in the same.

The second is restricted to English vessels, or vessels of the country producing the article—the master and three quarters of the crew of that country: or to vessels of the place where the article is first shipped. By 6 Geo. 1st, c. 15. Timber from Germany confined to English vessels. Certain enumerated articles admitted from Europe. The trade with Asia, Africa and America, restricted to British colonial vessels of hers by 12 C. 2. c. 18. 3. Exceptions in favour of the Portuguese, 48 Geo. 3. c. 11—products direct from Brazil in Portuguese vessels, owned by subjects of that government resident in said country.

Exception as to the United States, 37 Geo. 3. c. 97—American products in American and British ships—the master and

three quarters of the mariners of the country: "any goods, wares or merchandise, the growth, production or manufacture of the United States, not prohibited by law," 37 sec. this act to continue in force so long as the treaty between his majesty and the United States shall. The treaty ceased—but this statute was continued by sundry acts to 1808—then continued another year, and the 49 Geo. 3. c. 59. re-enacted the same without any limitation. (Imparlance of these legislative acts not repealed by war.) This act then is permanently in force, except when affected for a time, by our non-intercourse, embargo, or the British retaliations thereof. Some exceptions from the general law as to unmanufactured tobacco, indigo and cochineal. Exceptions and permanent absence of all restrictions as to masts, timber or boards, pitch, tar, rosin, hemp or flax, by 47 Geo. 3. c. 27, 2—may be exported in any vessel belonging to any state in amity with his majesty, navigated in any manner (since altered.) Also bullion and prize goods by original act of 12 C. 2. c. 18. 15—also temporary suspensions during war. By said original act, the trade of Great Britain with her colonies, which was the third branch above named, is confined to her home and colonial shipping. Exceptions by 45 Geo. 3. c. 57—enacts that wood, cotton, wool, &c. mill timber, horses, cattle, &c. may be imported into certain ports, viz. Kingston, Savannah La Mar, &c. &c. from the country of their growth, production or manufacture in vessels of such country, also tobacco, also permits certain exports (since altered.) When war is declared, the king by proclamation, shall permit merchant vessels, &c. to be sailed differently from the navigation laws.

The great object of these laws is to enlarge and strengthen the maritime power of Great Britain, and as one of her political writers remarks, they impose burdens on foreign, to encourage domestic industry; that the act of navigation is perhaps the wisest of all the commercial regulations of England. "If the wisdom of any scheme of policy is to be measured by its effects and consequences, our navigation system is entitled to the praise of having attained the end for which it was designed. Whether we regard the primary or inferior objects in this system; whether it is the increase of shipping, the extension of our foreign trade, or the strength of our navy, they have all advanced to a degree of consideration unexampled, and they owe that advancement to this system."—(Reeve's Law of Shipping, cited in Chitty's Law of Nations.)

These are some of the features of the celebrated Navigation Act of Great Britain, and of some of the laws relating to the same subject. Let it not be said, that she will not relax in her colonial system, when we see she has relaxed, even in relation to this country, when it was for her interest. But what reason has she to relax her restrictions if you do not retaliate them?

Relax them, did I say? Nay, she will add to them—favour the trade of her own subjects at the expense of your trade, unless you countervail her acts. The very trade between our country and her colonies, which she allows in her own bottoms, is a relaxation of the old colonial law, which restricted that trade to the mother country. And what has been the consequence of this direct trade in British ships between her colonies and this country? That some of these colonies have prevented, by high duties, the introduction from neighbouring islands, to which our vessels can go, (except from Bermuda) of all commodities from this country, because they can receive them cheaper direct from this country, and can send their produce, such I mean as they permit to be sent, chiefly rum, sugar and molasses, directly to us. And, sir, it is principally by this colonial trade of Great Britain, the decided advantage which that affords, which enables her almost to engross the direct trade between this and Great Britain—the advantage of double voyages: thereby enabling her ship-owners to under-bid us in our own ports—I mean, to carry for less freight.

On the subject of the trade in plaister of Paris, the assemblies of New Brunswick and Nova Scotia, have passed laws of the most offensive character: laying a duty almost equal to the price of the article in the Boston market, on all the plaister exported from their provinces, and landed to the east of Cape Cod —the duty, I think, is twenty shillings sterling the ton; and this act, contrary to all expectation, has received the sanction of the prince regent. Thus, to enable the British vessel to carry the article to the place of consumption, a distinction is made in our ports, and a preference given to some of our ports over others. Can congress for a moment, suffer a preference of this kind? Suffer a foreign power to do that which the constitution will not permit you to do? Where will these encroachments end, if not met by the most decisive measures of retaliation?

I will now, sir, for a moment, take a view of the navigation of this country; and of its importance, not only to the individuals who may own its tonnage, not to that part of the country, where the principal part is constructed, but to the nation at large, in relation to the hands and materials employed in its construction, the amount and value of the tonnage, and, above all, in a national point of view, for manning our navy in case of war, with the number of seamen required to navigate it. The amount of our tonnage in 1816, as stated in the treasury report, was over 1,400,000 tons; but this is presumed to be, by the author (a member of this house, Mr. Pitkin) of a statistical view of our commerce, (a work distinguished for accuracy of research and correctness of remark,) greater than the actual amount, which he states at 1,250,000 tons; by the treasury statement of the amount of tonnage for 1815, laid on our tables yesterday, there were

1,368,127 tons; but the actual amount for that year may be rated at 1,250,000 tons: allowing one seaman for every 20 tons, which is rather under than over the usual proportion, it would require 62,500 seamen to navigate this tonnage, if generally employed. The original cost of this tonnage, on an average of 40 dollars the ton, is 50,000,000 dollars: the actual value, at any given period, will be found by deducting one-third of the original cost; this will give you an actual capital employed in navigation, for 1815, of thirty-three millions and a third of dollars. The whole of this tonnage requires to be replaced once in ten years, in consequence of loss and decay. There must, therefore, be annually built 125,000 tons, equal in value to 5,000,000 of dollars, which gives employment to more than 10,000 artists and labourers in the construction. This appears a fair estimate from the amount of tonnage actually built in this country, when commerce and navigation flourished, say in 1805-6. Ships of war in England, built in the king's docks, of the materials there generally used, are now estimated to last fifteen years; those built in the merchant's yards, ten years; giving an average of twelve years and an half; our merchant vessels may, therefore, be estimated to last ten years. The trade of ship building is extremely important in certain parts of our country, not so highly favoured as other portions of it, as to soil and climate; taken in connexion with the employment of the ships, it is essential to their prosperity; nay, their population must greatly decrease without this employment.

But what is the situation of our navigation, and of our gallant seamen, at this moment? Owing in part to the causes to which I have alluded, the restrictions imposed by one nation, at least upon our mercantile enterprise, and the many privileges and advantages which the ships and seamen of that very nation enjoy in our ports, in reference to their colonial ports, and even to the direct trade with Great Britain, and in some degree, no doubt, to the general peace throughout the world, more than one half of our tonnage is now useless—dismantled at the wharves, and literally rotting in the docks. Many of our seamen are reluctantly compelled to seek employ in foreign countries, and to sail under foreign flags. Our ship carpenters, too, destitute of employ, are obliged, for a living, to go into the British provinces of New Brunswick and Nova Scotia, there to cut timber, even for the royal navy of England, and to build vessels to carry it to Great Britain.

Will the bill on your table have a tendency to relieve these misfortunes? I think it will. If it should not open the British islands to us, it will at least employ many of our ships and seamen to carry some of our productions, necessary for the British islands, to other islands in the West Indies, to be carried thence in British ships, into their own ports; giving us the privilege of

carrying, nearly to the port of consumption, many of those articles which now are only carried in British vessels.

Not to detain the committee longer, it does appear to me, that whether you consult the interests of your fellow citizens, or the honour of your country, this prohibitory bill ought to pass. If it be done now, rely upon it, sir, that a future congress will, in defence of the rights and privileges of this nation, be obliged to adopt a similar measure, under circumstances more adverse than the present.

Mr. SMITH, of Maryland, then addressed the committee. The subject of this bill, he said, was one of great importance and great delicacy. Apathy appeared to prevail in the house during its consideration; and yet never had any subject been before congress more important in its consequences. It had been observed to him, he said, by an honourable friend, that, in general, navigation and commerce were considered and used as synonimous terms, though materially differing and distinct from each other. It was the correct policy of this country not to attempt to aid the navigation of the country by measures which might be greatly injurious to its commercial interest. It was equally its true policy to accede to any propositions which could not prove materially injurious to commerce, and were at the same time greatly beneficial to navigation. If then no material injury could result to commerce from the passage of this bill, but a great benefit to navigation, the house ought to pass it.

By promoting the navigation of the country, we secure the materials with which we man our navy, an establishment so necessary to protect the honour and interest of the country. Without an extensive navigation, commerce could not be protected. Some sacrifices therefore were occasionally required from the commercial interest of a country, to attain the great object of an increase of navigation. It was not proper for us perhaps, to say that foreign nations, having established colonies which they are bound to protect, should not have a right to secure to themselves the whole of the navigation and commerce of those colonies. Such had been the course of all nations, to secure to themselves, in repayment of the expenses incurred by the colonies, the exclusive right to navigation to and from their ports. If we had colonies, Mr. S. said, he did not know that we should not pursue the same course. So far as the history of our government affords any example on this head, there was an illustration of the same policy on our part, in our refusal to foreign nations of the right to trade with the Indians within our limits without special permission—and he believed a proposition was now on the table to forbid foreigners from trading with them on any conditions. But if a foreign nation, thus holding colonies, derives great advantage from trade with our country, and yet excludes our vessels from any participation in it, if we

can coerce her to abandon that policy, we are bound, attending to the interest of our navigation, to do so, if we can do so without the hazard of too great injury to other interests.

The friends of this bill then, ought first to show that we can coerce Great Britain to admit us into a participation of the trade with her colonies, without material injury to the commercial and other interests of the country.

The effect of this measure on the commerce of the United States, Mr. S. said, must be considered in two lights: first, as regarded *importation;* and, secondly, as regarded *exportation.*

Shall we lose any thing, he asked, by prohibiting *importation* from the West Indies, unless in vessels of the United States? The principal articles of importation are coffee, sugar and rum. Shall we injure the revenue of the United States, or raise too high the prices of those articles in the market, by the proposed measure? Mr. S. said, he thought it could be clearly shown that no injury of this sort would result from it. Not only did we get enough of those articles (rum excepted) from the West Indies and other countries for our consumption, but a surplus was left for exportation. If we are now able to export ten or fifteen millions per annum of sugar and coffee to other countries, and distribute them among the nations of the world, there could be no doubt we should always have enough, (supposing our communication with the British colonies to be cut off) for home consumption and to maintain the revenue. Rum indeed, could be got only from the West Indies, except in small but increasing quantity from Louisiana, and except a description of that liquor called Taffia, which our people will not drink. But suppose we could get none: the brandies of Europe are equally good, and equally if not more healthy—and the whiskey of our country (give it age, or turn it into gin) was not inferior in his opinion to either. On this point, he said, he spoke experimentally. The people, he said, would get accustomed to it, and it would be generally preferred to rum, which was in no view an indispensable article. From documents on the table, Mr. S. said, it appeared that the revenue from importations in British vessels from the West Indies was about two millions per annum. That revenue would not be injured, because we must consume the articles on which that revenue was collected, and procure them from some other source, if not from the British islands.

The next point was the effect which this measure would have on *exportation:* and here, and here only, was the difficulty. If we can assure ourselves that the colonies of Great Britain cannot be supplied elsewhere with the articles which are now drawn from our country for their consumption, we tread on safe ground. It was fair, Mr. Smith said, to state this question in its true light. The British West India possessions drew annually, on an average, from this country six and a half millions

of the products and manufactures of the country. She would employ in carrying to her colonies (if it were all flour, which is the most valuable article,) 60,000 tons of shipping; but the greater part of the cargoes being the bulky article of lumber, she may employ from eighty to a hundred thousand tons of shipping in the trade. The whole amount of our foreign tonnage being 854,000, Great Britain employed in this trade a quantity of tonnage equal to one eighth of the whole tonnage which we own in foreign trade. It was a desirable thing, certainly, if we could, to participate in that employment of shipping. In doing which we should create a navigation, and educate and bring forward the seamen who are to defend us on our shores and on the high seas, and employ our own manufacturers, mechanics of all kinds occupied in ship building, &c. in that proportion which such an addition to our navigation will require. The articles exported to the West Indies, Mr. S. said, were rice, flour, lumber, corn, horses, mules, cattle, poultry, potatoes, peas, beans, &c. all articles to them of the first necessity, and without which they could not support themselves, nor find materials wherewith to make hogsheads and construct buildings. If they could not get these articles from other countries, they *must* come to us, and must, if this bill passed, be coerced into admitting us to a participation of that navigation. Could they, he asked, get those articles in other countries? Certainly not upon equally nor any thing like equally advantageous terms, as from us. At this time, were such a law as this in existence, the West Indies, as to the whites as well as blacks, would be actually in a state of starvation: for Great Britain herself was so much in want of bread stuffs, as to have been petitioned to open her ports to certain articles, and of course was not able to supply her colonies. He doubted whether even with good crops, the mother country could supply them with flour, &c. At any rate, those articles never could be imported from a distance into the islands in as palatable a state as from this country. Could the islands get these articles elsewhere? It had been stated—and we ought to look at the subject in every part of view, said Mr. S. that gentlemen may vote advisedly—it has been stated that if Montreal was declared a free port on the part of Great Britain, she might thence obtain supplies for those islands; since it is well known that a great deal of flour is made in the neighbourhood of the St. Lawrence, which might, in that case, go down to Montreal, and be thence shipped to the West Indies. Mr. S. said, he was of a contrary opinion. It might be apprehended that much flour might be got in that way (which the bill did not provide against) but for the fact, that from thence but one cargo a year could be carried to the West Indies, the ports being shut up in the northern provinces for six or seven months yearly by the

ice. The time the ports were open was little more than sufficient for one voyage to and from the West Indies. From Canada then they cannot be supplied, and must be supplied elsewhere. That elsewhere, Mr. S. said, they would scarcely be able to find. The article of rice, he said, they could get no where, but in America. Indian corn likewise, they would get no where but from the United States—that article was for their slaves all important. It might be said they could raise it as well as we. It was true that they could; but, if they did, they must take off the slaves and land from a more profitable culture, that of coffee and sugar. They must lessen the growth of valuable articles, in order to grow one of small value. As to the article of lumber, gentlemen from the east had said that the British islands could be supplied from the United States only, with that article. On this point it would be proper to state, Mr. S. said, that there was no finer timber than grew on the borders of the lakes, and on the banks of the St. Lawrence, and Montreal could be supplied thence on good terms. The merchants could go up there and buy timber to be shipped to the West India islands, whenever the St. Lawrence should be open. If they did however, the article would be supplied at a greater expense and higher price than it could be from our Atlantic border, inasmuch as we could make four or five voyages annually, and scarcely more than one could be annually made from the St. Lawrence to the West Indies, which would greatly increase to them the cost of the article. The article of live stock they could get from no country but ours, on which, Mr. S. said, they are wholly dependent for horses, mules, cattle, sheep, hogs, &c. Even if these articles could be obtained from the British northern colonies, they could not be thence carried in safety to the West Indies. Even from the neighbouring state of New York, the difference of insurance between a cargo of live stock from that state, and one from Connecticut, and carried by Connecticut men, was six per cent. So great was the facility and skill acquired by practice in that branch of trade, &c.

These, Mr. S. said, were his practical views of the subject, which he had thought it his duty to lay before the house; leaving to others to state more at large the political views.

For his own part, he said, he had revolved this subject in his mind a long time, and had found it very difficult to make up an opinion on it. One thing was certain:—we ought not to embark in the proposed system, unless we mean to persevere in it. After once commencing, we ought to adhere to it, let the consequence be what it might.

Mr. Forsyth then proposed as a substitute for the bill, sundry new sections, embracing a system of discriminating duties, to supersede the clauses of prohibition and exclusion embraced in the bill.

Mr. Wilde of Georgia, said, We seem to have accomplished within a few years a political circle: on the strange revolutions we have gone through I will not remark, further than that the same section of the country that a few years ago so decidedly opposed all sorts of commercial interdiction for important results, is now contending for it, to attain an end not so important, certainly, (though I will not detract from its importance,) as that for which formerly the same system was resorted to.

Gentlemen, he presumed, were not perfectly apprized, though he hardly supposed that many of them did not know the fact, that the policy which they recommended, of a total prohibition of all intercourse with the British colonies, was that policy which some of the most violent politicians in Great Britain had recommended as the means of adding to their prosperity. He alluded particularly, to a pamphlet on the colonial policy of Great Britain, which, there was some reason to suppose, recommended a system of conduct, if not pleasing, yet certainly not altogether displeasing to the British ministry. The very measure of total prohibition was that which the author of that work recommended, as the best mode of securing the consequence and importance of the North American colonies, and making the West Indies entirely independent of the United States; and of crushing the prosperity of a country which they look upon, as destined, at no very distant day, to be their commercial and political rival.—Considering, Mr. W. said, that the very measure upon which the committee were now called to act had been recommended for adoption in that country, was a reason why they should deliberate, and maturely too, before they ventured on such an experiment. Nor was the reasoning contained in the book to which he had referred, so altogether destitute of foundation. The trade we carry on with the British West India possessions consists principally of lumber and bread stuffs, and a portion of live stock. With regard to the lumber, it was stated in the pamphlet, that the average annual supply for the British islands had been 117,000 loads, of which 113,000 had been imported from the United States, and 4,000 from elsewhere. But that in 1810, during the existence of our restrictive system, the port of Quebec alone had exported 160,000 loads to those islands. Possibly, Mr. W. said, a considerable portion of this came from the United States; but the whole effect was to increase the quantity exported from the British North American possessions. Of bread stuffs, perhaps, no very great supply could be calculated on from that quarter: but that was not the only dependence of the islands. It was recommended in the work referred to, and the advantages of such a change plainly shown, to grow a part of their bread stuff in some of the islands, Trinidad particularly.

The disposition of the people of the islands, particularly the island of Jamaica, and excepting Barbadoes, was generally in our favour. If that was the case, any measure affecting their interest so as to create a prejudice rather against us than the mother country, was defeating the end in view. The measure ought to be such, if any be adopted, as to make the colonies look to the mother country as the source of our regulations. To attempt to produce a relaxation of the British system by an extreme measure, did not seem to him to be the dictate of sound policy. We ought not, he said, to try the extent of our power at once. We ought not to pursue a policy which, should it fail, would leave us in despair of any alternative. He was not, he said, in favour of any temporary measure; we ought to do what we intend and believe to be effectual; but we ought not to apply the harshest and strongest measure at once.

With regard to the operation of increased duties on this trade, though he preferred them to prohibition, yet, Mr. W. said, he could not suppose they would, as the gentlemen from Massachusetts seemed to suppose, be entirely paid, or paid in any great degree by the West India islands: The opinion of the secretary of the treasury (for whose opinion, Mr. Wilde said, he had the highest degree of respect) was altogether different: that the duty would be paid altogether by ourselves. An increased duty on imports would very evidently be paid, in a great degree, by our own citizens. With regard to a tonnage duty on outward-bound vessels, indeed, it would operate, in a small degree, as an export duty attaching to the articles exported, and would be paid in the West India islands. But under correction, he should suppose the other duty would be paid by citizens of the United States; at least so much of it as was requisite to bring up the value of the article imported to the cost of the same article imported from other countries on not as favourable terms as it would otherwise have been from the West Indies. Such would certainly be the effect, unless the price should be so far enhanced by the duties, as to cause the West India productions to come so much higher than the same articles from other countries, as greatly to reduce the consumption of them.

If it could be distinctly ascertained on this subject, what was the sense of the mercantile part of the community, or of a considerable majority of those who compose it, Mr. W. said, he should be ready to go as far as any gentleman in securing to them the rights and advantages which ought to belong to the trade in question. But there seemed to be a very great diversity of opinion even among themselves on the subject; and gentlemen in favour of the bill had delivered themselves so doubtingly, that, from their argument alone, Mr. W. said, he should be almost inclined to question the propriety of acting at all on

this subject: but certainly the conclusion would be, if any thing was done, that there was no necessity for trying, in the first instance, the full extent of all our powers on this subject. If, in 1805-6, by the unanimous voice of the same class of the community, the same measures had been demanded for protecting their interests; if, subsequently, the adoption of measures similar to the one now proposed, became, in the highest degree, exceptionable to those who had called for them, there was some reason to believe, if we pursue the same course, (particularly when the opinions of the merchants are not so decidedly expressed as they were then) we shall come to the same result.

With regard to one particular branch of commerce, referred to by the gentleman who last spoke, it was certainly desirable that some regulation by duties should take place—he meant the plaister trade; because, as to that trade, the government could be compelled to admit us to a participation in it, or the trade itself would be totally destroyed, the principal and almost only market being the United States. The article must either not be brought at all, or indifferently in British and American vessels.

The committee had been told, in the course of this debate, very confidently, from a high authority, that the necessary effect of a total prohibition would be, to compel the British government to admit us into a participation of the trade with her colonies. We all know, said Mr. W. that the colonial system is a part of the policy which European governments adhere to with the greatest pertinacity, and never relinquish. He had seen predictions somewhat similar to this on former occasions, not altogether verified by the fact.

We ought to recollect also what had been frequently heard on this floor, and what, to a certain extent, was certainly a legitimate argument, that the tendency of all systems of total prohibition was, to promote, in that section of the country where it operates most, a spirit entirely hostile to every species of fair commerce, destructive to the morals of the people, tending to the diminution of the revenue of the government, and to the defeat of any system the government might pursue for the purpose of operating on the commerce of rival powers. A total prohibition, he said, would be evaded, particularly on the eastern frontier and on the lakes, in defiance of all the force, civil and military, of the government. A large portion of the products of the United States would thenceforth go to the ports in Canada, and thence as British property to the colonies.

The bill, he said, embraced an important question: it was the commencement of a system which might lead us to results, of which many gentlemen were not perfectly aware. There was a beautiful allegory in the history of one of the most celebrated of the ancient republics—he meant the contest of Neptune and

Minerva for the patronage of the city of Athens: to which the one had offered the olive, that elegant type of a good government

——" The rich olive, underneath whose shade
" The green herb greener grows;"

—the symbol of peace. While the gift of the other was the horse—the instrument of war. Seeming thus darkly to shadow out the truth, that agriculture is essentially pacific, while commerce (though commerce is not as it was then, mingled with piracy) has yet, when pursued with too much avidity, always a tendency to endanger the harmony of nations. Whether this is what was meant, or whether, as has been ingeniously supposed, it was an allusion to some attempt on the part of its first rulers, to divert the attention of the people from the navigation of their narrow sea, to the cultivation of the earth—it would, in either event, furnish an instructive lesson. All such attempts must for ever be made in vain.

An attempt on the part of congress to change essentially the dispositions of the mass of the people, " whose home is on the ocean," would be futile, ungenerous, and unjust. At the same time, Mr. W. said, he would not pursue or force navigation by measures which would hazard, in a considerable degree, the safety, interests, and general welfare of the great body of the community.

Mr. Clay (speaker) said, that in one sentiment expressed by the gentleman from Georgia, he most heartily concurred—that the measure contemplated by the bill, or by the proposed substitute, was the most important, as respected at least our foreign relations, that had come before congress at this session, or would probably be brought before it for some years—a measure, which, whatever fate attended it, ought to attract the attention of honourable members of this house, and to which, he hoped, before the final question on it, they would give the most mature consideration.

The importance of the question by no means depended simply on the value of the trade between this country and the colonies of Great Britain. But, considering the question as it related merely to that trade, when the fact was stated, that it consisted of six millions of dollars imports, and of course a like amount of exports, it must be admitted the question was one of deep import, compared to any which at present presented itself to the attention of congress. But, as was stated in the president's message, Mr. C. said, it was not solely important on account of the effect of the colonial system on that trade, but the fact was, that the exclusion from a participation in that navigation, essentially affected the trade between this country and the British European possessions, and, by the operation of the system, deprived us, in a great measure, of the benefits of the convention

of commerce with Great Britain, which provided for the establishment of a perfect reciprocity of commerce between the United States and the British European possessions. Even if gentlemen were not disposed to do something to obtain for the navigation of this country a participation in the colonial trade, they ought to go so far as to place them on an equal footing as regarded the European trade. Some measure ought to be devised, by which the navigation of Great Britain should be prevented from enjoying peculiar advantages over us in a trade wherein reciprocity had been solemnly promised by the convention to which he had alluded.

Let us, then, said Mr. C. enquire into the character of the evil proposed to be remedied, and of the remedy that is offered. What is the evil? Great Britain says that the whole commerce between her colonies and the United States shall be carried on in British ships, absolutely excluding American ships from any participation in it. The most natural course of the exchange of commodities between nations, might be thus defined: that each nation should carry its own products to market; that we should carry of our produce what we do not want, but they do, to British ports; and that they should bring what they do not want, but we do, to our ports. With this course, however, Great Britain was not satisfied. The next and perhaps the most equal and best mode of providing for the free and fair interchange of commodities, was, to open the trade equally and reciprocally to both parties, to let each carry the commodities of both countries, in a fair competition. Great Britain was not, however, disposed to do this. She not only prohibited the carriage of her colonial commodities in our vessels; not only entirely engrossed the export trade from her colonies, but refused to allow us any participation, by conventional regulation or otherwise, in the trade to the colonies. The effect was, to deprive us of the advantages in the augmentation of our commerce and increase of our seamen, which would result from the carriage of our own produce, to the amount of six millions of dollars annually.

With regard to the importance of encouraging our navigation, he said, he need not resort to argument. The question of the importance of a navy to maintain and defend our rights which had been some years ago a question of a theoretical nature, was no longer so: it was now a question of practical experience. All felt its importance, and all acknowledged the expediency of cherishing, by all means in our power, that important branch of national defence.

Gentlemen alarmed themselves, Mr. C. said, by the apprehension that the other party would view as inimical any regulations countervailing her colonial policy, and that the issue of this conflict of commercial regulations would be war. Mr. C. said he believed in no such result. If an exclusion of the navi-

gation and shipping of Great Britain from our ports be a measure of a hostile character, said Mr. C., Great Britain has set us the example; for she excludes our navigation and shipping from an extensive range of her ports. Mr. C. considered this rather as a diplomatic than a hostile measure; but, if it were otherwise, she had set the example, which she could not complain if we followed.

But, said he, let us look to the fact. What would be the light in which Great Britain would view any such regulations as are proposed by the bill? The Convention of London contains an express stipulation on the subject; and I will observe to gentlemen, that the clause which exempts the colonial trade from the second article of the convention, was introduced with the express view of retaining in our hands the right to countervail the British regulations in this respect. It was so understood by the framers of that convention. But, said Mr. C., we have later evidence than that which is furnished by the terms of the convention. The president, in his message at the opening of the session, says, that it is ascertained "that the British government "declines all negociation on this subject; *with a disavowal*, "however, of any disposition to view in an unfriendly light "whatever *countervailing regulations* the United States may "oppose to the regulations of which they complain." Thus, then, we have evidence both from the nature of the case and from the express declarations of the British government, that it will not, because it cannot, view in an unfriendly light any regulations which this government may find it expedient to adopt, to countervail their policy. Mr. C. said he did not think that the adoption of this policy on the part of Great Britain ought to excite any hostile feeling towards her. She was not singular in this respect. Every country that has colonies in the West Indies, and which is not too weak to defend them, endeavoured, he said, to appropriate to itself all the advantages of the trade with those colonies: and it would be found that the relaxation of the rigour of that system by one nation or another, was precisely graduated by the degree of ability to maintain their colonies in peace and defend them in war. There was nothing in the regulations of Great Britain which could be offensive, or possibly lead to war. They might be complained of as selfish or unfriendly—they certainly were the former. But Great Britain had a perfect right to set the example before us; and the question was, whether the total exclusion of our ships from the colonial ports of Britain, was such a measure as we ought to fold our arms and submit to, without an effort to obtain some part of the trade which she had attempted to appropriate exclusively to herself?

Gentlemen had properly said, that this was a question which ought to be well weighed before decided. Whatever we do, said

Mr. C., it ought to be with a determination to adhere firmly to it. For, depend upon it, Great Britain will never lightly relax her policy.

The policy of Great Britain was deeply laid in selfish considerations—a policy which she had never relaxed, except in periods of war when it became her interest to do so, from the commencement of her colonies to this time. The measure which we address to her interest, to induce her to relax from the rigour of her colonial policy, should be a measure framed with ample deliberation, which, when we adopt with resolution, we will maintain with fortitude. For, the first conclusion of the British government would undoubtedly be, that the American government would be incapable of maintaining its regulations for any length of time; and that government, in the expectation of a retraction of the measure, would persevere in its policy as long as it could.

The question which presents itself, then, is, whether we will adopt measures to induce a relaxation so desirable to our interest.

What ought to be done, if any thing is? There were two propositions before the house, and the question now was on substituting high duties for the prohibitory system. Mr. C. said that he preferred the prohibition: and if any gentleman would candidly compare the merits of the two proposed remedies, he would find that the whole value of the remedy by the imposition of duties was derived from its approximation to prohibition.

Suppose the measure of prohibition be adopted, what would be its effect? In the opinion of Mr. Clay, a mere change in the direction of the trade. St. Domingo would be open to us, St. Thomas, Vera Cruz, and possibly St. Bartholomews, and other islands and ports. But, if not one port should be open, the necessity Great Britain would be under to obtain supplies for her colonies, would dictate the expediency of opening some port at which an interchange of commodities could take place. If this operation took place, all that is proposed to be effected by the bill is accomplished, by the participation of our navigation in the transportation of the articles thus exchanged. Our ships will have obtained an employment, in carrying our products to that entrepot, and bringing return cargoes, of the same amount they would have now, if American instead of British ships wholly engrossed the trade. There might, in the case supposed, be some little increase in the cost of the articles, but so inconsiderable as not to amount to any offset to the great advantages accruing to this country from the employment of its tonnage.

The present moment, Mr. C. considered as particularly propitious to the adoption of this regulation; because, as regarded the great direct trade between the United States and British ports in Europe, that was regulated and unalterable for near

three years. It stood on the footing of convention; and we should not, by any regulation adopted in regard to the colonial trade, put to hazard the advantages in the other, at least until that convention expired.

Regarding this regulation in another view, he anticipated beneficial effects from it. In consequence of the weakness of some of the powers of Europe in their maritime force, they had found it convenient to open ports to us, which were formerly shut, and we could thence draw our supplies, thus effecting a mere change in the channel of supply, with the advantage of the employment of our own navigation, as already stated. South America, besides, would be open to us, and we could there obtain a large portion of the commodities we import from the West Indies, except perhaps the article of rum. Whether that could be obtained there or not, he did not know. Sugar might be obtained in quantity from Louisiana, where the product of that article increased every year. Georgia, and a portion of South Carolina too, had turned their attention to that object; and the effect of this measure would be to encourage the cultivation of that article. With respect to the article of spirits, if its importation were totally cut off, he thought it would be a benefit. He believed, he said, that America was the only country that imported as great a quantity of spirituous liquors; every other country he was acquainted with used more of its own manufacture.

I think, said Mr. C., that the suffering of the navigating interest to which the attention of congress is attracted, is one which calls loudly on this body to do something to alleviate it. It is attributable greatly to the colonial system of Great Britain, though no doubt also greatly to the state of peace, and the consequent resumption of their navigation by the powers of Europe who during war suspended a great proportion of it. Taking care of the interests of the nation, and guarding our commerce against the effect of foreign regulations, it becomes us to act on this subject. He should, he said, cheerfully give his assent, therefore, to the bill before the house; and should vote for it, but with reluctance, if the amendment proposed by Mr. Forsyth should succeed.

The great question was the *modus operandi* of this bill, to use a favourite expression of a member of another body. Operating on the sympathy as well as the direct interest of the parent country, it would induce her to relax her system. Great Britain would find a greater interest in securing the amount of six millions of trade, necessary to support and cherish her colonies, than she would gain merely on the transportation of the articles of which that trade consists. That was the question on which the British people would be called on to decide; and he believed the effect of this measure would be such as to induce them to decide in favour of admitting us on a footing of reci-

procity into the West India trade. If the British government did not take this course, it would have to wink at the formation of entrepots, by which the object proposed by the bill would be substantially accomplished.

Mr. RANDOLPH, of Virginia, said, if the British ministers would not relax their policy at the peril of losing their seats, they would hardly relax it for our relief. If the English would lose six millions of trade by this measure, we should also lose the market for our horses, mules, staves and lumber—there were two sides to that bargain—and he really thought it was refining a little in wisdom, to suppose that these English ministers, who understand so well their interest as regards their places, as to heed the public sentiment of England, and not the clamour of the colonies, would relax, to give *us* relief. Suppose the British government should not yield? Why, then, we are to go to South America, and get these six millions of the articles we now get from the West Indies. Could we do so? Would the people of South America take our staves, our lumber, our horses, and our mules, and our jack-asses? Should we carry coals to New Castle? How should we pay for these articles?

But the gentleman had asked, where would the British colonies get supplies? Why, Mr. R. said, these very South American colonies, whom the gentleman wished so heartily to see recognized, could furnish these very articles. And the opening of them, so far from being the remedy to the evil under which we labour, would actually aggravate the disease.

It was very well known, that previous to the American revolution, these colonies, then provinces, had an open trade with the West India colonies, and got a habit of supplying them, which even the American war did not entirely break. If that did not entirely break it off, but at its conclusion the intercourse was renewed; if the islands could go seven years without our supplies, did the gentlemen believe that they could not do without them for any length of time? This idea of starving the West Indies—of bringing Great Britain to her marrow-bones, was suggested in 1807—we had tried all these things, and our measures had been wholly unavailing as to their avowed object. After remarking on the effect of our measures heretofore on the colonies, Mr. R. said, that our system then, was liable only to the same objection as the gentleman's system now, that it produced directly the reverse of the effect which we wished it to produce.

We went about starving England and coercing her by refusing to receive her manufactures; we found that would not do, and we have now set about raising manufactures of our own—as much as to say, for he was stating it argumentatively, that the power of receiving British manufactures being a great power, it

was the interest of the country to destroy that power. So it was now proposed to act in regard to the colonies.

In his humble judgment, he said, there was but one view of this question in which we have a serious interest. He could not look at it without going back to our former system of commercial restriction, which had ended, as selfishness and ill neighbourhood generally do, in a fight. In that too, this system would end, provided it had the effect the gentleman had anticipated from it—for, Mr. R. said, he wished it to be understood, that he grounded his arguments on the efficacy of that which he believed would prove utterly inefficient and futile. Knowing what I do, said Mr. R.—little enough God knows, but enough for this—I look forward to the day when we are to have the great struggle with Great Britain for the mastery of the seas; to which, as to length of duration and bloodiness, the great contest between the naval forces of England and of Holland in former days was but a skirmish. If the object was to encourage this contest, to hasten the struggle, by making regulations to get us all the seamen in the world, and raise as many of our own as we could, in one view of the subject this measure ought to be adopted. But, supposing it could reach the mark, Mr. R. said, he was not prepared to give his assent to the bill. This was one of those instances in which theory did not prove in practice what was expected from it. Not that he denied, that if this country was to be defended against a great maritime power, it must be by a fleet—on that point he had not the slightest doubt—but his own opinion was, that it would be as well for the present to count, and not only to count but to pay the cost of the last contest before we courted another.

Mr. R. said, *he* was still for the doctrine of retrenchment, of economy, taking the hand of this government out of the pocket and off the person of the citizen wherever it can be done—off the person, he said, for the effect of putting the hand in the pocket is to put it on the person—he said off the person, especially, in respect to this system of great maritime force; for, said he, you may have all the seamen in the world, and let war break out, there is no mode by which you can command the service of a number of seamen sufficient to man a respectable force, but by impressment. For, if we go into the system of bounties and premiums, in time of war, of bidding for seamen the price which will command them, when neutral nations are giving the highest prices, we go into a system that this country, great as it is destined to be, even under the grossest mismanagement, cannot support.

Mr. Lowndes, of South Carolina. If, indeed, it were true, that there was something in the character of the British colonial policy, or of the British nation, which made it wise to submit to take a share of the colonial trade under the restrictions she

thought fit to impose, and not attempt to make it her interest to adopt a more liberal policy, the objections were founded in reason. But, if this principle were once admitted, he knew not where to fix a limit to it. If she might, under this argument, without counteraction, prohibit our navigation to her West India possessions, why not also to those of the east? And why not to any of her dominions in Europe or elsewhere? Suppose France, instead of England, were concerned in this question, and that the prohibition was of our navigation to her Mediterranean ports. Is there a man who would say that we ought to consent that French vessels should bring to us the produce of the French coast on the Mediterranean, and receive our productions in return, whilst American vessels were excluded from any participation in the trade? He presumed not; and yet he saw no substantial difference between the case supposed and that which already exists, and to which this bill has reference. On general principles, Mr. L. took it for granted, that whether we do or not counteract this policy of Great Britain, was a question of expediency merely. It seemed proper to him that some countervailing measure should be adopted, to induce Great Britain to admit us to a participation in the navigation to her West India colonies, whilst she admits us to a participation in that trade.

It had been said that there was something in her navigation system to which the government of England was so attached; that it was so fixed in the affections of the people and in the principles of the government, that, however injurious the system to us, we ought not to enter into a contest to obtain its relaxation. Although Mr. L. did not undertake to say that we should work a change in the policy of England by either the bill, or the substitute before the committee, he could not concur in the views which had been expressed in relation to the navigation system, and he believed gentlemen were wrong in attributing to it that almost superstitious veneration said to be entertained for it by the British government. He did not believe, that the government would find any difficulty in relaxing its policy, if it were made its apparent interest to do so. He formed his opinion less from what he had heard of the disposition of the people or of the government, than from what he saw on their statute book. If on examination it were found that, in order to secure articles of the first necessity, the most important principles of the system had been occasionally abandoned or changed, and this recently; if gentlemen could not show something connected with the state of this country, some difficulty not yet referred to, which will lead them to refuse to us what they have yielded to others, this objection to our acting on the subject might be completely answered. Mr. L. proceeded to cite in-

stances of relaxation of her navigation and colonial system from the statute book.

The facts, Mr. L. said, which he had stated, in regard to relaxations of the navigation system, furnished a complete answer to this argument of the blind adherence of the British government to the system.

Could any one examine the situation of the West India islands, without being satisfied that the effect of cutting them off from their ordinary supplies must be to injure the prosperity of the mother state, and impair its commerce and navigation? The operation of the measure embraced in this bill was not that to which the gentleman referred; not that of inflicting local distress in the islands, to which the British government would be indifferent; but, as the establishments in these islands were connected with others in the mother country, where indeed many of the proprietors resided, the result of the measure would be, Mr. L. firmly believed, to produce such an impression altogether as to require the British government to relax its system, in one instance, as it already had done in others to secure a general benefit.

He did not know, he said, but that the disadvantage which would result to British navigation, from the employment which an addition to our navigation (by a relaxation of her policy) would give to 2500 American seamen, might not be sufficient to induce them to refuse to throw open the ports of the colonies, important as the measure might be to them. He did not say such would be the result; but surely, if the motive of the present policy of Great Britain was to be found in the watchful jealousy of a rival power, did it not furnish a strong argument why every measure on the part of this government should be taken to counteract it?

But, Mr. L. said, he should not vote for either of the bills before the committee, if only intended to produce a relaxation in the British system. He discriminated between the measure embraced in either of these bills, and those measures to which gentlemen had appeared to assimilate it. In doing so, he said that he should vote for this measure, not merely on account of the tendency it might have to produce a relaxation of the British colonial policy, but because it must, operate as it will, produce a state of things greatly preferable to that which now exists. If indeed he were confident that this bill would not produce an abandonment of the policy it proposes to counteract, he should still vote for it, on account of the partition of navigation with England which it would effect, by making the trade with the colonies circuitous.

If the principle were true, which Mr. L. by no means admitted, that the duties on that part which we consume would fall wholly on us, the duties on the other portion would fall

wholly on the West India colonies. But Mr. L. did not admit, that the duties proposed would, in any material degree, fall on the consumer; since it must be evident, as he demonstrated, that the price of the articles heretofore imported from the British West Indies, in our market, must be regulated by the price at which we can import them from other quarters. If they continued to be imported, therefore, at all, the articles imported, and not the consumer, would pay the additional duty.

Mr. L. confessed, that independently of the considerations of interest, apart from every view of detail—he found great difficulty in reconciling to his judgment the carrying on, without even an attempt to counteract it, of a trade which served exclusively the policy of another power. If Great Britain had declared that there should be no trade between us and her colonies, it would have been proper to submit to it. But to admit it to be carried on in such ships only as she pleases, to obtain for her all the advantages of the most restrictive monopoly—might not a case occur in which it would not be proper to yield to this policy? It would be difficult to persuade him that, furnishing the articles of necessity we do, and seeing the industrious efforts of the British government to obtain them from every other country, we ought longer to yield to it now.

In every view of the subject, Mr. L. was in favour of the passage of this bill, in one or the other of the forms offered to the committee.

Mr. Hopkinson, (who had spoken on the subject before) alleged, that the gentleman had mistaken him, when he had supposed him to have said, that it was not in the power of this government to induce the British government, to abandon its policy in excluding us from a participation in the trade with its colonies. That, Mr. H. said, was not the question before the committee, and, when the house had honoured him with their attention, it had been his endeavour to confine himself to the question. He indulged in no speculative opinions. The inquiry was, solely, whether the measure before the committee would have that effect. The course of my argument, said Mr. H., was this: I placed myself on the premises of the Speaker—I assumed his position, and used his redoubts. Agreeing with him in his premises, I thought upon his own grounds a sufficient answer could be given. The ground assumed by the Speaker was, that the navigation system was the first object of the British national policy; that her prosperity and the continuance of her power were considered so intimately connected with it, that it was the corner-stone of her strength, the feeder of the lamp of her national glory. The question occurred, whether either of the measures before the house was of a nature likely to reach the subject. The gentleman had said, that any feeling of the colonies was beside the mark; that the British ministry

would not dare to move a stone of this edifice till the public will should demand it. Assuming these grounds, Mr. H. said, he had endeavoured to show the house that a measure directed against a small amount of colonial trade would not overcome such towering obstacles: that, when you desire to remove a mountain, you should not apply your force to a molehill; that when a great policy is to be changed, it is idle to begin at a little West India trade.

Thus much in explanation. But, whilst up, he would turn his attention to the argument of the gentleman from South Carolina. He knew, he said, that when he attacked the arguments of that gentlemen, he was in danger of falling into error himself. On the present occasion, however, he thought the gentleman was wrong. The ground of the Speaker was, that the navigation (not the colonial) system of Great Britain was one to which the nation was more attached than to any part of their policy; that it was rooted in the national heart —and drew the conclusion, that to effect a change in a sentiment so deeply rooted, we ought to attack the nation at its extremities! Now, the gentleman from South Carolina, to show that the Speaker's premises were unfounded, and that the British nation was not so superstitiously attached to the system as the Speaker had supposed, brought forward instances in which she relaxed from the rigour of her system. If, said Mr. Hopkinson, I understand the gentleman's instances, they prove directly the reverse of the inference he wished to draw from them, and sustain more firmly the position occupied by the Speaker and myself. Our position is, that the *navigation* system is the darling of the British nation: the gentleman from South Carolina speaks of the *colonial* system, and blends them together as if they were one and the same. But they are not. The colonial system, Mr. H. said, in the instances referred to, had been made to yield—to what? To the navigation system, to which commerce was made subordinate. Strictly speaking, in the colonial system, the British government would insist on the produce of its colonies being first carried to England; but they permitted it to come direct to this country; and here was a relaxation of the colonial policy. *How* did they permit it to come here? In British vessels, navigated by British seamen. This went to show that the colonial and every other interest was made to bend to the production of ships and seamen. By permitting their produce to be brought here directly, and confining their trade to their own vessels, they extended their shipping, and increased their seamen; and that being their policy, this exception, as it was called, proved the rule: the commercial part of the colonial system was made to yield to the navigation system.

But the house had been told that in 1807 an act had been

passed by the British parliament permitting articles of a certain description to be imported into England in other vessels than those of the country producing them.—If we did not look at the articles, said Mr. H., this would be a good argument; but look at the articles, and it goes to strengthen our ground. They were, he said, articles of the first necessity, (masts, lumber, hemp, cordage, &c.) things essential to the construction and maintenance of the navy. When, therefore, Great Britain had relaxed one part of her navigation system, it was to favour another; when she had given away something, it was to get something more. This instance, also, mentioned as an exception, was a sacrifice of the interests of commerce to those of navigation. She had given on one hand, to make more on the other. The other instances, also, Mr. H. contended, went to sustain his argument. Was there any instance, he asked, in which this system had been relaxed, except in relation to itself; except where some small advantage had been surrendered to gain a greater another way. Was there any instance in which the navigation system had been made materially to bend to commerce? He believed not.

Do we not deceive ourselves, said Mr. H., in regard to the strength of this necessity on which we rely? The argument is, that Great Britain is dependent on us for articles of the first necessity. I know, sir, that this was a theory very much cherished some time ago amongst us. But, however convenient the trade of this country in that respect to the West India islands, since they might obtain certain articles here better, from our proximity, than any where else; to say that they are wholly dependent on us for articles of the first necessity, was, Mr. H. said, in the face of the experience of the last ten years. We had set out on the starving system, with a great deal of courage, but not with much success. Our measures might for the time have raised the prices of the articles they used to get from us, and of their productions usually sent to us—but it had been proved that the necessity for our supplies was not indispensable. He had heard of no individual starved there, or any great evil the people in the islands had sustained: and yet, that we had prohibitory laws as strict as we ever could have, no one would deny. The result is, said Mr. H. in conclusion, that your laws of this description cannot be executed; or, if executed, that they cannot produce the effect calculated on from them. The West Indies were either furnished without our supplies, or, our supplies reached them in spite of all we could do.

(The whole subject was again laid on the table, and not resumed.)

BILL FOR ENFORCING NEUTRALITY,

January 24, 1817.

The house in committee of the whole, Mr. JACKSON, of Virginia, in the chair—

Mr. FORSYTH, of Georgia, the chairman of the committee who reported the bill, rose for the purpose of explaining the views of the committee on this subject. The attention of the house had been called to this subject, Mr. F. said, by the president of the United States, who, by his message of the 26th of December, had apprized both houses that the existing laws did not enable him to preserve the peace of the United States with foreign powers. The subject of that message having been referred to the committee of foreign relations, they, in the ordinary mode, had applied to the secretary of state for information specially on the subject. They enquired what information had been given to the department of state of violations or intended violations of the neutral obligations of the United States to foreign powers by the arming and equipment of vessels of war in our ports; what prosecutions had been commenced under the existing laws to prevent the commission of such offences; what persons prosecuted had been discharged in consequence of the defects of the laws now in force, and the particular provisions that had been found insufficient, or for the want of which, persons deserving punishment had escaped. On the 6th of January, an answer had been received from the secretary of state, referring to certain verbal communications to the chairman of the committee, and stating what were the defects in the laws. As the chairman of the committee of foreign relations had not thought himself at liberty to state, on his own authority, the verbal communications referred to by the secretary, on the 10th of January, the secretary of state had addressed to the committee another letter, more particular as to the facts, stating the prosecutions commenced, how far they had been successful, and how far they had failed. The information collected by the committee, Mr. F. said, was defective in some particulars, but it was no fault of the committee. It did not appear, from the documents, from what causes some of the prosecutions had failed. However, taking it for granted, as it was their duty to do, that the information of the president was correct, the committee had turned its attention to existing laws, to ascertain the provisions seeming to them necessary to remedy these defects.

It was found that the act of 1794, which the circumstances then occurring had called for, forbade, under heavy penalties, citizens of the United States from accepting commissions from foreign powers within the United States; forbade persons, in like manner, from enlisting or causing others to enlist in the service of foreign powers; from fitting out armed vessels within the United States to cruize, or issuing commissions therefor; from augmenting the force of an armed vessel within the United States belonging to a belligerent in regard to whom the United States were neutral; from setting on foot military expeditions in the United States against friendly powers; and further provided that the land and naval force of the United States might be employed to enforce the law, and also to compel the departure from ports of the United States of foreign armed vessels which ought not to remain there, &c. The act of 1797, emendatory of that act, prohibited citizens of the United States without the limits thereof, from fitting out armed vessels, to cruize against a friendly power, &c. These laws were found to be defective, on examination, because they only applied the act of 1794 to certain deeds ' within the waters of the United States;' the supplementary act of 1797 to deeds of the same character ' without the limits of the United States.' But there was no provision in either to forbid a citizen from arming and equipping a vessel within the United States, and then selling it to a foreigner to be taken out of the United States and used contrary to law. In other words the citizen and foreigner may do that conjointly which neither of them could separately do under the former laws.

To remedy that defect the first section of the bill now before the house was framed, the amount of which was, that any person fitting out or concerned in furnishing, fitting out or arming any private vessel of war, or selling or contracting to sell any such vessel, with intent or previous knowledge that the said vessel is to be employed to cruize or to commit hostilities upon the subjects, citizens or property of any state with whom the United States are at peace, such person shall be liable, on conviction, to a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years.

The second section of the act, was to remedy another defect obvious to the committee, and which had been suggested by the executive of the United States. The present laws were defective in not authorising the interference of the executive to prevent the commission of the offence, nor unless there was sufficient proof to justify punishment for commission of the offence. This was the reason of the 2d section of the act, calling on the owners of armed vessels to give security that they will not violate the neutral obligations of the United States. The committee had been induced to offer this general provision, in preference

to authorising collectors at their discretion to call on the owners of armed vessels to give bonds, for obvious reasons. Persons engaged in a fair commerce, where there could be no suspicion of an improper intention, would be at no loss in obtaining the security required; and, though they would be subjected to some little inconvenience, it was not such an objection as to prevent the adoption of an important general measure. And the provision was made general, further, because the committee were unwilling to throw on the collectors, on the one hand, the responsibility of making discriminations, and on the other were not willing to trust the collectors, &c. in all cases, because they were not always discreet, and, by the general provision, the effect of connivance or indiscretion on the part of any officer of the United States would be obviated.

But, inasmuch as it was obvious that the evil would not wholly be remedied, without some discretionary power being vested in the collectors, that discretion was given in the 3d section, to restrain from sailing any vessel in such condition as that, though not armed, it may be as soon as it leaves the waters of the United States. That section authorises the collector to detain such vessel, until permission be given by the president of the United States, for its proceeding to sea, or until the party enter into the obligations required of the owners of armed vessel, by the second section of this bill. The fourth and last section of the bill forbade any foreign ship or vessel to be armed and equipped, or the force of any foreign armed ship or vessel to be increased or augmented in the ports of the United States, under any pretence whatsoever.

This was, he said, a simple question of internal policy: whether we ought or ought not to carry into effect our own laws? The claims of Spain on our justice or honour, or the merits of the contest between her and her colonies, had nothing to do with it. We have laws already in existence, such as all civilized nations have, to restrain unauthorized military expeditions. The president, whose duty it was to execute these laws, had informed the house that the provisions were not sufficient. Is the law defective or not? If it is, the defect ought to be remedied. If the law be not defective, the defect is in the execution of the law, and the blame ought to rest on the president of the United States, for not causing it to be executed. But, Mr. F. said, if he understood the subject, the law was defective, and the defect ought to be remedied.

He begged gentlemen to beware how they indulged their feelings on this subject, at the expense of the laws of their own country. It was no sufficient answer, when the law of the country was violated, that it was right, on account of a violation of the law of justice by any foreign power. If this were allowed, the door would be open to every excess on every pretence.

Laying out of the case the odious character which the government of the United States would necessarily incur, if these things were permitted with impunity, and viewing this as a matter of simple internal regulation, the principle was already established in our laws; and the question was, whether the fault of the non-execution of the law should rest on the president of the United States, or on the legislative body?

Mr. SMITH, of Maryland, said, that it appeared to him, that the 3d section of the bill had not been completely understood. The 3d section did not forbid, nor at all restrain, our citizens from selling munitions of war to whomsoever they pleased. The object of that section was merely to carry into effect the second, which, without it, would be very easily eluded. A vessel pierced for guns, and capable in every respect of being a private vessel of war, manned completely, might, under existing laws, go to sea without any appearance of arms on her deck (her armament of cannon being concealed beneath the deck)—and, the moment she was out of sight of the coast, or clear of detection, take out her guns, evade the laws, and become at once a completely equipped, armed vessel. By this bill, it was proposed to authorize the collector to examine any vessel going to sea, and see whether she had such an armament as would enable her, when she got to sea, to fit herself for war. If so, the collector was authorized to stop such until he could make report of her to the president of the United States, and receive his decision respecting her. If proper, she would be permitted to proceed to sea—if otherwise, she would and ought to be detained. The necessity for this provision, Mr. S. illustrated by examples familiar to his mercantile experience. The exportation of arms, in vessels not prepared to fight their way, was, he said, a simple business of commerce, and not affected at all by this bill—the only restraint upon it being the risk of capture for carrying contraband of war. Where then could be pointed out an injury to the honest merchant, as likely to flow from this 3d section? It could do no harm, on the one hand; but without it, on the other, the second section of the bill would be of no use. We (said Gen. S.) who are engaged in the East India trade, must arm for defence against the pickaroons that infest the islands along the coast of that country. To such vessels there will be an inconvenience in giving the bond required by the third section; but one must submit to the inconvenience, to prevent abuses by persons who, for the sake of gain alone, implicate the government in a conduct which must be reprobated by all considerate men.

An honourable gentleman was mistaken in saying that this bill would prevent the supplying of munitions of war to men who were fighting for their liberty. This bill, Mr. S. said, provided only that the government should not be implicated by the citizen in his enterprizes. Arms might still be exported to any

extent, but in the common way of merchants, not by force of arms, but by swift sailing. We are not authorized by the laws of nations, to arm and force a trade in munitions of war with one of two belligerents, in respect to both of whom we are neutral.

Had Spain any right to require of us the passage of such a bill? Was it called for by the acts of that government. She has a right to make a demand of us, said Mr. S., similar to that which we made of her, when she permitted French privateers to fit out in her ports and commit depredations on the commerce of the United States. We made a representation on the subject, and demanded of the Spanish government that the practice should not continue, and that they should pay us for every depredation which had been so made on our commerce. What may the Spanish minister demand in return? That you should not permit your citizens to fit out and man with your seamen vessels within the ports of the United States to depredate on her commerce. When, Mr. S. said, we had subsequently made a treaty with Bonaparte, then First Consul, we released France from all demands on her as to depredations on the high seas. We gave them up for what we considered a *quid pro quo*. We were bound to guarantee the French West India islands, rather than continue which guarantee, Mr. S. said, we had agreed to give up our claims for depredations committed on our commerce prior to that treaty by France. When Spain then had heard that we had agreed to give up all claims for depredations committed by France, she argued that she could no longer have claims on France for her depredations since we had released her, and that therefore she (Spain) was no longer bound to indemnify us. What had been since done on this question, Mr. S. said, he knew not; but he took it for granted, that our government would persist in that demand, and never relinquish it.

He should deprecate a war with Spain, because it would deprive us of the best customer we have. We now supply Old Spain with great quantities of rice and cotton, and, since the war with her colonies, with tobacco; with flour to a great amount—150,000 barrels a year being exported to Havanna alone, and with all the products of the country. She was one of the best customers we had, he said, because from her alone could we get specie in return. We enjoy a free trade with Cuba, and, by a late order, with Vera Cruz. He did not, therefore, desire a war with Spain, but he would not shrink from a war with her, if she gave us just cause for it.

Mr. S. went on to reply to the objections to this bill. He showed that without this 3d section, the laws might be evaded; that the United States sustained great injury by the violation of this law, by the loss of her seamen, (as well as by violations of

their neutrality) of whom he spoke greatly within bounds in saying that there were two thousand employed in these expeditions, and for ever lost to the service of the country—thus raising the price of labour, and greatly injuring the fair commerce and navigating interest of the country, as he showed by plain and practical illustrations.

Mr. GROSVENOR, from New York, rose. In the general view of this question, he said he hoped the time had gone by when, in considering what was the duty of this house, reference would be had to considerations not bearing on that point. For, it was simply a question, whether the United States would or would not compel its citizens to adhere to their duties as the people of a neutral nation. On this question, he said, there could be but one party, and but one sentiment. He here remarked on what, he said, was a curious argument. Why enforce these provisions in favour of Spain, it was asked—Has she not injured us? Do gentlemen recollect, said he, that when you countenance violations of neutrality, you in fact engage in the war? If we are to have war, let us boldly go into it, said he, and not sneak into it with our privateers from one port or another. If Spain have injured us, let us tell her and the world so, and appeal to the world and to the God of Battles. I protest against this mode of carrying on the war. What, Mr. G. said, was asked by this bill? The gentlemen from Georgia and Maryland had put it in its true shape. It did not touch the commerce of the country; it had nothing to do with it. It was a question touching the interference of the citizens of this nation in a war waged between two foreign powers. The report of the secretary of state had not been read: if it had, it would show, what was indeed notorious to the whole world, that we do now interfere in that war. The question was, whether congress should adopt legal principles which would compel our citizens to adhere to that neutrality which is the policy of the nation. This bill only proposed a mode of enforcing the observance of an established principle, for the maintenance of which every nation is responsible.

What, Mr. G. asked, was the objection to the 3d section, which it was now proposed to expunge? That the collector was to be authorised to detain vessels on suspicion, without a formal warrant. The same objection, Mr. G. said, would apply to all our revenue laws; and he never before heard any objection to seizure of vessels without warrant. He had heard objections to bringing these principles to operate on the land, in the bosom of society, by searches and seizures of houses, carriages, sleighs, &c. &c. but he had never before heard the ordinary provisions of the revenue laws, analogous to this, objected to as contrary to the constitution.

I know, said Mr. G., that this bill goes a great length; but, certainly without going it, we cannot cure the evil. I have had

some acquaintance with this affair, and shall not err when I say, that whilst the whole mass of the nation is at peace, some of its cities are at open war. Congress might, he said, adopt the principle that they would not interfere: but, if they did, where it would end he did not know, and no one could say.

Mr. RANDOLPH, of Virginia. Did gentlemen recollect, Mr. R. asked, the case between these colonies and Great Britain, and in what way France became a party to that war? In the same way the United States may and probably will become a party to the war between Spain and her colonies: by fitting out arms on colonial account from her ports, for the purpose of carrying on the war, public and private, against the mother country. In that way, he repeated, France had become a party to the war: in that way we might and probably should become a party to the present war. Now, if we are prepared to take sides between Spain and her colonies, let us say so: but, if not, let us do those things incumbent on us to prevent being drawn in on one side or the other. Mr. R. remarked on the fanciful theory of gentlemen, and a sort of visionary idea they appeared to have, of the struggle in question being one for the right of self government, &c. When the people of Spain, from the rock of Gibraltar to the pass of Roncevalles, were in arms against the authority of the government established there by the French, there was not, Mr. R. said, any of this feeling for a great and generous nation, asserting the right of self government—nothing of the sort. On the contrary, the United States had preserved what they called a neutral attitude—a neutrality calculated, as far as our means went, to subserve the cause of one of the parties, he did not say which. If, said Mr. R. we are prepared to take part between Spain and her revolted colonies, let us say so, and act an open, manly and generous part. But, for my share, I have had enough of revolutions, and I have had enough of war—and I cannot say, with an honourable member from Maryland before me (Gen. Smith) that I am not afraid of a Spanish war. I should be afraid of a war with the Sandwich Islands; I should be afraid of a war with the Cherokees or Creeks: I should be afraid of a war with any thing, unless perchance with the barbarians of the Mediterranean coast of Africa. I *am* afraid of war: we have found the consequences of it—and, if we go to war with Spain, it is not for me or the gentleman from Maryland to say, when or on what terms we shall make peace with the allied powers. I do not wish to make peace with *them*, said Mr. R. for the plain reason that I do not wish to make war with them. This bill had been called, and properly called, a bill for making peace between his catholic majesty and the town of Baltimore—and he was willing to contribute all in his power to the restoration of peace between these high contracting parties.

Mr. R. said he should not have troubled the house on this occasion, but for the allusion to the St. Domingo act, passed on the 28th day of February, 1806. *You*, sir, said Mr. R. (addressing the chairman) remember well that day—it was just at the close of a period, within which, after sitting for weeks in conclave, the policy of this country had taken a direction which has since governed the ship of state. The act referred to was passed at that memorable session when the politics of the United States assumed, in the eye of all those who knew how to judge of events, a definitive direction as to the two great powers of Europe. I voted for it, said Mr. R., after endeavouring, with our doors shut and with the doors open, to arrest that career, and expose that fatal policy which brought us to what we have seen, and what we now feel. And when I was asked why I voted for this famous St. Domingo act—an act which was said—it was so said; I speak in the impersonal—which was said to have been passed under terror of the displeasure of his majesty the emperor and king of France.—Referring to the saying of Charles XII. respecting Riga, that GOD had given it to him, and the Devil should not take it away from him, Mr. R. applied it to the sceptre of Napoleon: which, whether or not the devil gave it to him, we certainly know that the hand of God took from the oppressor—yes, that malefactor of mankind—that *hostis humani generis*. When he spoke of that man in this way, he said, it was with recollections of the date of this act, and not of his present condition. In his present condition, he would not triumph even over him: he looked upon his former elevation to have been the result of a timid acquiescence in what had been called public sentiment in the reign of terror—when heads had been lopped off, and men tortured in every way that ingenuity could devise—all in obedience to public sentiment!—when a few executioners, with the words 'public sentiment' in their mouths, mangled and massacred whatever was valuable in that once noble country.—Yes, he said, it was a noble country, and the country of a noble people. When, said he, (resuming the thread of his discourse) I was asked, on what grounds I should justify my vote, I answered, on none that had been assigned, and unquestionably not on some that were not assigned. I voted in favour of it, because I considered St. Domingo as an anomaly among the nations of the earth; and I considered it my duty, as an American politician—as an American statesman, if you will allow me to apply that observation to myself—as a representative, above all, of the southern portion of the United States, to leave nothing undone which could possibly give to the white population in that island an ascendancy over the blacks: for, if if ever any thing called for a perpetual embargo on all intercourse, it was the state of that country.

I am tired of war, said Mr. R., but I do not therefore expect to

escape it. Little does he know of the condition of mankind: little does he know of the signs of the times on the other side of the Atlantic or on this, who imagines the repose of the world is settled. The leaven is at work in Europe, perhaps more actively in England than in any other part of it, and the virus has been received here, that will produce a state of things very far from that settled repose which gentlemen seem to flatter themselves will follow the late convulsions in the civilized world. But, believing as he did, Mr. R. said he was willing to put it off to the latest day. He was attached to his own country. Let Jews, Turks or Infidels fight for their liberty or for their religion; he would have nothing to do with their liberty or their religion. He would not omit to do any thing he could constitutionally do, to prevent being involved in a quarrel in the name of liberty and religion, when servitude, and superstition the most dark and detestable that was ever known, was at the bottom of it. He would keep aloof from it.

Gentlemen say, observed Mr. R., that our enterprizing citizens must go and fight the wars of the colonies with Spain. With all my heart. That they must go and attack her commerce. With all my heart, if they will not attack *ours*, nor involve their country in the war. Let Spain catch them when she can, and treat them as she has a right. There will be one advantage, certainly, in permitting this system of private depredation to continue; there would be less capital, less of this generous enterprizing spirit left, to engage in another trade which we have already attempted to prohibit by law—that is, the infernal slave trade.

Mr. SHARP, of Kentucky. St. Domingo, Mr. S. said, was a revolted colony, its independence to this day unacknowledged by its former sovereign; yet we trade with St. Domingo—we go to her ports, she comes to ours. Where would the gentleman find a reason to distinguish between this case and that of the Spanish provinces? If, Mr. S. said, our feelings were enlisted in favour of old Spain against these colonies, and we believed that self government would be a curse to them, this bill might be a proper one to aid the mother government in subjugating the colonies. We may go thus far, said he: we have a constitutional right to lay these restrictions. But, he insisted, on the rules which govern neutral nations in their conduct and commerce with belligerents, we are not bound to pass it, and that we ought not to pass it, because it would be unwise to do it. The gentleman had asked why the feelings of gentlemen were not so warm in behalf of the patriots of Spain in their struggle for self government, as now for the South Americans. For my own feelings, said Mr. Sharp, I have no difficulty in expressing them. When the house of Spain had ground down the people, I felt no aversion to seeing any change which would improve

their condition. The putting down of the inquisition, the abolition of monasteries, the reduction of the number of priests, he was glad to see. When the Spanish patriots collected the sense of the people, rallied around their standard, my feelings were interested in their favour, more than they had previously been in favour of any effort of Bonaparte. I viewed him as a tyrant; but I cannot view without abhorrence the conduct of the ruler who succeeded on these efforts of a patriotic people—I cannot view without horror human nature in such a state of baseness, as to exhibit such ingratitude as has been shown. Mr. S. said, he would never suffer himself to take any part to sustain the dominion of that monarch.

Mr. SHEFFEY, of Virginia, said he understood it to be the policy of the government of the United States, to observe a strict neutrality between the old country of Spain and her colonies in rebellion against her. If that was the determination of this country, it was the duty of the constituted authorities to carry that determination into effect, and not to manifest neutrality, when in fact our citizens were taking part with one of the belligerents, and against the other. To prevent this, the provisions of this bill had been reported, which Mr. S. approved. What sort of sincerity do we exhibit, he asked, if we permit persons to fit out expeditions in our ports, and, after they had gone to sea, pretend to prosecute them when beyond the reach of our jurisdiction? The government should not act at all, unless it acted effectually; to enable it to do which, the power proposed to be given by this bill was essential.

As to our feeling on the subject of the existing war, that, Mr. S. said, was wholly out of the question. If the government, or the house, feel as the gentleman from Kentucky does, it becomes us to pursue a different course; to take a stand in support of those who are contending against the tyrant of the European country. All this display of feeling, Mr. Sheffey said, might do honour to the heart, but, after the experience of past years, it certainly did no great honour to the head. After the failure of the great struggle on the old continent in favour of civil liberty in Europe, they must be sanguine indeed who anticipate its success in a population so much more ignorant and unenlightened. The slight dawning of liberty in France, had been, he said, perhaps the greatest curse that human liberty ever experienced. No more favourable consequences are likely to result from the contest in South America. There will be strife and bloodshed of long duration, but which will settle down in a despotism perhaps more dark than has heretofore prevailed there. If a population like that of the Spanish provinces is to be emancipated, it will not be by revolution, but by receiving gradually the principles of civil liberty. And, when gentlemen compared their struggle with that of the people of this country in our revolution, they were

widely mistaken. We, said he, were nurtured in the principles of civil liberty: the colonists were as free before the revolution as we are at this time: we contended, not for revolution, though it naturally ensued, but for the preservation of the rights of Englishmen. We were free, and we desired to remain so. The contest in South America, on the other hand, is a contest of slaves to become freemen, which cannot succeed by the exertions of physical force merely, but must be preceded by the gradual expansion of the human intellect, and the adaptation of the mind to the principles of free government.

It had been said that a war with Spain was not to be deprecated. In one point of view it might not. But in another, it was more to be deprecated than a war with any other country. We might succeed, to possess ourselves of the contiguous Spanish territory. That was a consequence he should deprecate, Mr. S. said, more than any other. When that happens, our moral character is destroyed—our liberty is gone. In such success he saw greater evils than in any defeat. He dreaded it on the score of the moral character of the nation; on the score of that liberty which he hoped would be perpetual.

Mr. Clay, (speaker.) As long as the government abstained from taking any part in the contest now carrying on in the southern part of this continent, it was unquestionably its duty to maintain a strict neutrality. On that point there was and could be no difference of opinion. It ought not, however, to be overlooked, that the two parties stood with this government on unequal ground. One of them had an accredited minister here to watch over its interests, and to remonstrate against any acts of which it might complain. Whilst the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties, imposed upon us the duty of great circumspection and prudence in what we might do.

Whenever a war exists, whether between two independent states, or between parts of a common empire, he knew of but two relations in which other powers could stand towards the belligerents; the one was that of neutrality, and the other that of a belligerent.

Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty? It will be recollected that we have an existing law, directed against armaments, such as are described in the bill. That law was passed in 1794. It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed must be yet fresh in our recollection. The French revolution had excited an universal enthusiasm in the cause of liberty. The flame reached this coun-

try, and spread with electric rapidity throughout the continent. There was not a state, county, city, or village, exempted from it. An ardent disposition to enter into the conflict on the side of France, was every where felt. Gen. Washington thought it the interest of this country to remain neutral, and the law of 1794 was enacted to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of this country during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case, (which he understood to be doubtful from some judicial decisions) he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

But the present bill not only went further, but in his judgment, contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons to whom they might sell these vessels, should not use them in the contest. The second was, the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it is not denied that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject? We are bound to take care that our own citizens do not violate our neutrality, but we are under no such obligation as it respects the subjects of foreign powers. It is the business of those foreign powers to guard the conduct of their own subjects. If it be true, as he had heard it asserted, that Fell's Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral power, to provide, after a legal sale had been made of an armed vessel to a foreign subject, against any illegal use of the vessel.

Gentlemen have contended that this bill ought to be considered as intended merely to enforce our own laws—as a municipal regulation having no relation to the war now existing. It was impossible to deceive ourselves, Mr. C. said, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be understood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent country. With respect to the nature of that struggle, Mr. C. had not now, for the first time, to express

his opinion and his wishes. An honourable gentleman from Virginia, (Mr. Sheffey) had said the people of South America were incapable from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing? Was it not to the vices of their government? To the tyranny and oppression, hierarchical and political, under which they groaned? If Spain succeeded in riveting their chains upon them, would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time would never arrive when the good wishes of the honourable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, Mr. C. said, he wished their independence. It was the first step towards improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recesses of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings, on this occasion—I care not; when the independence, the happiness, the liberty of a whole people, is at stake, and that people our neighbours, our brethren, occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation.

But, notwithstanding the feelings which he cherished on this subject, Mr. C. admitted that it became us not to exhibit the spectacle of a people at war and a government at peace. We ought to perform our neutral duties, whilst we are neutral, without regard to the unredressed injuries inflicted upon us by old Spain, on the one hand, or to the glorious object of the struggle of the South American patriots on the other. We ought to render strict justice, and no more. If the bill on the table was limited to that object, he would vote for it. But he thought it went further; that it assumed obligations which we were not bound to incur, and thinking so, he could not in its present shape give to it his assent.

Mr. Hopkinson. He was glad to find that the house began to be awakened to the importance of the subject under discussion—one of the most important that had ever come before the house, and the decision of which deeply concerned the honour and safety of the nation. The subject, Mr. H. said, had intrinsic difficulties. Whenever the peace of the nation requires the rights of the citizens to be restrained, the difficulty which arises is, to strike that point which will attain the object with as little inconvenience as possible to the citizen. That point must in some degree be a matter of opinion—though, in restrictive measures no country had more experience than our own.

Another difficulty, Mr. Hopkinson said, presented itself in this case, that every regulation adopted would operate, as the sun shines, on the just as well as the unjust, on those who wish not to infringe the laws as on those who do. What, said he, is incumbent on a wise legislature in such a case? To produce the desired effect by all means bearing a fair proportion to the object to be attained, and within our legitimate authority. By the bill before you, what is the result presented to the judgment of the house? The evil complained of is not denied—a crying sin threatens to bring upon us disgrace and the horrors of war, if the government do not exert all its powers to prevent it. He did not wish to be understood as affirming, that foreign nations had a right to require of us impossibilities; but a foreign nation had a right to require us, professing to be neutral, to prevent our citizens from embarking in a quarrel between her and her colonies—on that point he found no difference of opinion. In the present case, however desirous for the success of the Spanish colonies gentlemen had expressed themselves, he found none, speaking in their legislative, official capacity, who doubted the country ought to lay its hand on its citizens, and prevent them from aiding either party in the contest. All agree as to what foreign governments have a right to demand of us; the difficulty is about the means by which we shall perform this duty. Mr. H. said, he would say nothing of the nature of this struggle—he would neither call them patriots nor rebels—he knew them only as two parties at war, and what was or had been the connexion between them formed no part of this question. There was, in the law of nations, no difference between our duty in this case and in a war between any other belligerents: he considered it precisely as he should a war between Spain and Portugal, Spain and England, or any other two powers, and our duty required that we should observe a strict neutrality between them—to wait the result, and take up the conqueror as the legitimate authority. Of the contest referred to, Mr. H. said, from all he had seen, it appeared more like a war between rival chiefs, to serve private views, and promising no great or general good. In no such war, nor in any war, would he consent to embark, unless he saw advantages sufficient to justify it; for that, he should always wait for information from his own government; and so long as the government said we must be neutral, he would not enquire who were the parties at war. In this case, Mr. H. said, gentlemen ought to consider themselves acting for a neutral country; and if it be our policy to embark in the war, let it be done legally and fairly; and not secretly and piratically.

The next question to be considered, Mr. H. said, was, what was deemed by the law of nations a violation of neutrality. A neutral citizen had a right to trade with a belligerent

in arms and munitions of war, if he chooses to run the hazard of being captured; the belligerent had been satisfied with the right of confiscating the contraband property going to his enemy, if taken, and had never looked for any further remedy. But the difference between trading in munitions of war and furnishing armed vessels, had been always admitted by every code of national law; and the difference was perfectly distinct, well known, and established; because in the latter case, as soon as you permit your citizens to assist with armed ships, you take part in the war, and add an important force to the means of the other party.

To justify the bill, he then adverted to the public manner in which this illegal trade had been carried on in some of our ports, in which every preparation on board had been made, and every thing done to give vessels a belligerent character, but to raise the flag to the mast head; and whilst we tolerate such violations of public faith, said Mr. H., will not every nation cry out against us? Or can we denounce the piracies of Algiers and Tripoli, while buccaneers beat up for recruits in the streets of our cities, and the plunder of piracy is publicly sold in the market? A private armed ship, even in time of war, was, at best of doubtful character; but one which sails not in the service of its own country was, to all intents and purposes, a pirate. While then, we insist on other nations respecting our own rights, let us not set them a different example, and add infamy to the dangerous example. The plea of weakness in the complaining party, was no argument to influence a just and moral nation in its acts. If Spain were as weak as an infant, and we as strong as Hercules, it would not justify the slightest departure from justice, because, aside from our moral duty, the time might come when the example would recoil upon ourselves.

It had been said that bonds were oppressive, and were not imposed in similar cases by other nations. Mr. H. affirmed that they were not only imposed by other nations, but had been resorted to by our own, in cases far less important.

Will you prevent the commission of the offence, or wait until the act be committed, when punishment is beyond your reach? Take the case of common life; if a man is seen pursuing his business, not in an ordinary way, but in a manner to give ground of suspicion that he is about to commit an illegal act, is he not arrested, and measures taken to prevent the mischief apprehended? Here, said Mr. H., in the ports of a country in profound peace—no enemy known—a citizen is preparing a vessel of war, and carrying out a number of men, greatly beyond what is necessary for the purpose of navigation—can it be supposed such a citizen is pursuing a lawful traffic? Would not this be sufficient to justify us in saying to him, Sir, circum-

stances warrant me in the belief, that you mean to violate the law; but, if an innocent man, the security you must give will not injure you. We know, that if a man lay before a magistrate, on oath, just grounds to suspect harm, personal or otherwise, the officer is bound to require bond for the observance of the peace. The party accused could not say, whom have I injured? when I injure any one, it will then be time enough to punish me. No; it is the policy of every nation rather to endeavour to prevent than punish offences.

Though a citizen might sell his lumber, &c. to whomsoever he pleased, it was fair to enquire whether it was for unlawful purposes, with a knowledge of its improper use; and whether, in exercising this right of sale, he was not injuring others. I think, said Mr. H., when vessels are seen going out equipped, even to the powder horn, they can only be supposed going to engage in hostilities.

Mr. H. avowed himself opposed to giving large powers of discretion to subordinate officers—we had had enough of it—but under the provisions of this bill, the cases provided for are of so suspicious a character, that he thought there was little danger of mistake, and that the officer would be very careful not to seize the vessel without good grounds, &c. being on his own responsibility. Mr. H. stated the characteristics required by the bill to justify the officer to proceed; the difference in the number of men, and other appearances, necessary to authorize a seizure, and that the cases contemplated by the bill were such, as to leave no doubt on the mind, and which, if not overlooked by the government, would make it a party in the fraudulent procedure.

The law of 1794, Mr. H. said, instead of providing guards to prevent the offence, only punished the act when committed; in this bill the reverse is the case.

That the evil exists; that these degrading and dangerous practices are carried on, almost openly, in defiance of the existing law, is satisfactory evidence that the existing law is not sufficient to prevent or restrain them.

BILL FOR INTERNAL IMPROVEMENT.

February 4th, 1817.

The house having resolved itself into a committee of the whole, Mr. Smith of Maryland in the chair, on the bill to set apart and pledge, as a fund for internal improvement, the bonus

and United States' share of the dividends of the national bank; and the bill having been read:

Mr. CALHOUN. At peace with all the world; abounding in pecuniary means; and, what was of the most importance, and at what he rejoiced, as most favourable to the country, party and sectional feeling immerged in a liberal and enlightened regard to the general concerns of the nation: Such, said he, are the favourable circumstances under which we are now deliberating. Thus situated, to what can we direct our resources and attention more important than internal improvements? What can add more to the wealth, the strength, and the political prosperity of our country? The manner in which facility and cheapness of intercourse added to the wealth of a nation, had been so often and ably discussed by writers on political economy, that he presumed the house to be perfectly acquainted with the subject. It was sufficient to observe, that every branch of national industry, agricultural, manufacturing, and commercial, was greatly stimulated and rendered by it more productive. The result is, that it tends to diffuse universal opulence. It gives to the interior the advantages possessed by the parts most eligibly situated for trade. It makes the country price, whether in the sale of the raw product, or in the purchase of the articles for consumption, approximate to that of the commercial towns.—In fact, if we look into the nature of wealth we shall find, that nothing can be more favourable to its growth than good roads and canals. An article, to command a price, must not only be useful, but must be the subject of demand; and the better the means of commercial intercourse, the larger is the sphere of demand. The truth of these positions, said Mr. Calhoun, is obvious; and has been tested by all countries where the experiment has been made. It has in particular been strikingly exemplified in England, and if the result there, in a country so limited and so similar in its products, has been to produce a most uncommon state of opulence, what may we not expect from the same cause in our country, abounding as it does in the greatest variety of products, and presenting the greatest facility for improvements? Let it not be said that internal improvements may be wholly left to the enterprize of the states and of individuals. He knew, he said, that much might justly be expected to be done by them; but in a country so new, and so extensive as ours, there is room enough, said he, for all the general and state governments and individuals, in which to exert their resources. But many of the improvements contemplated, are on too great a scale for the resources of the states or individuals; and many of such a nature, that the jealousy of the states, if left alone, might prevent.—They require the resources and the general superintendance of this government to effect and complete them.

But, said Mr. Calhoun, there are higher and more powerful considerations why congress ought to take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might indeed admit of some doubt whether they ought not to be left wholly to individual exertions; but when we come to consider how intimately the strength and political prosperity of the republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. In many respects, no country of equal population and wealth, possesses equal materials of power with ours. The people, in muscular vigor, in hardy and enterprising habits, and in a lofty and gallant courage, are surpassed by none. In one respect, and, in my opinion, in one only, are we materially weak. We occupy a surface prodigiously great in proportion to our numbers. The common strength is brought to bear with difficulty on the point that may be menaced by an enemy. It is our duty, then, as far as in the nature of things it can be effected, to counteract this weakness. Good roads and canals judiciously laid out, are the proper remedy. In the recent war, how much did we suffer for the want of them! Besides the tardiness and the consequent inefficiency of our military movements, to what an increased expense was the country put for the article of transportation alone! In the event of another war, the saving in this particular would go far towards indemnifying us for the expense of constructing the means of transportation.

It is not, however, in this respect only, that roads and canals add to the strength of the country. Our power of raising revenue, in war particularly, depends mainly on them. In peace our revenue depends principally on the imposts; in war, this source, in a great measure, fails; and internal taxes, to a great amount, become necessary. Unless the means of commercial intercourse are rendered much more perfect than they now are, we shall never be able in war to raise the necessary supplies. If taxes were collected in kind; if, for instance, the farmer and mechanic paid in their surplus produce, then the difficulty would not exist, as, in no country on earth, is there so great a surplus, in proportion to its population, as in ours. But such a system of taxes is impossible. They must be paid in money; and, by the constitution, must be laid uniformly. What then is the effect? The taxes are raised in every part of this extensive country, uniformly; but the expenditure must, in its nature, be principally confined to the scene of military operations. This drains the circulating medium from one part, and accumulates it in another, and perhaps a very distant one. The result is obvious. Unless it can return through the operation of trade, the parts from which the constant drain takes place, must ultimately be impoverished. Commercial in-

tercourse is the true remedy to this weakness; and the means by which this is to be effected, are roads, canals, and the coasting trade. On these, combined with domestic manufactures, does the monied capacity of this country, in war, depend. Without them, not only will we be unable to raise the necessary supplies, but the currency of the country must necessarily fall into the greatest disorder; such as we lately experienced.

But on this subject of national power, what, said Mr. Calhoun, can be more important than a perfect unity in every part, in feelings and sentiments? And what can tend more powerfully to produce it, than overcoming the effects of distance? No country, enjoying freedom, every occupied any thing like as great an extent of country as this republic. One hundred years ago, the most profound philosophers did not believe it to be even possible. They did not suppose it possible that a pure republic could exist on as great a scale even as the island of Great Britain. What then was considered as chimerical, said Mr. C. we now have the felicity to enjoy; and, what is most remarkable, such is the happy mould of our government, so well are the state and general powers blended, that much of our political happiness draws its origin from the extent of our republic. It has exempted us from most of the causes which distracted the small republics of antiquity. Let it not, however, be forgotten; let it, said he, be for ever kept in mind, that it exposes us to the greatest of all calamities, next to the loss of liberty, and even to that in its consequence—*disunion*. We are great, and rapidly, he was about to say fearfully, growing. This is our pride and danger—our weakness and our strength. Little, said Mr. C., does he deserve to be entrusted with the liberties of his people, who does not raise his mind to these truths. We are under the most imperious obligation to counteract every tendency to disunion. The strongest of all cements is, undoubtedly, the wisdom, justice, and, above all, the moderation of this house; yet the great subject on which we are now deliberating, in this respect, deserves the most serious consideration. Whatever impedes the intercourse of the extremes with this, the centre of the republic, weakens the union. The more enlarged the sphere of commercial circulation, the more extended that of social intercourse; the more strongly are we bound together; the more inseparable are our destinies. Those who understand the human heart best, know how powerfully distance tends to break the sympathies of our nature. Nothing, not even the dissimilarity of language, tends more to estrange man from man. Let us then, said Mr. C., bind the republic together with a perfect system of roads and canals. Let us conquer space: It is thus the most distant parts of the republic will be brought within a few days travel of the centre; it is thus that a citizen of the west will read the

news of Boston still moist from the press. The mail and the press, said he, are the nerves of the body politic. By them, the slightest impression made on the most remote parts, is communicated to the whole system; and the more perfect the means of transportation, the more rapid and true the vibration. To aid us in this great work, to maintain the integrity of this republic, we inhabit a country presenting the most admirable advantages. Belted around, as it is, by lakes and oceans, intersected in every direction by bays and rivers, the hand of industry and art is tempted to improvement. So situated, blessed with a form of government at once combining liberty and strength, we may reasonably raise our eyes to a most splendid future, if we only act in a manner worthy of our advantages. If, however, neglecting them, we permit a low, sordid, selfish, sectional spirit to take possession of this house, this happy scene will vanish. We will divide, and as consequences will follow misery and despotism.

To legislate for our country, said Mr. Calhoun, requires not only the most enlarged views, but a species of self-devotion, not exacted in any other. In a country so extensive, and so various in its interests, what is necessary for the common good, may apparently be opposed to the interest of particular sections. This must be submitted to as the condition of our greatness. But were we a small republic; were we confined to the ten miles' square, the selfish instincts of our nature might in most cases be relied on for the management of public affairs.

Though he was unwilling to incorporate details in the bill, yet he was not adverse to presenting his views on that point. The first great object was to perfect the communication from Maine to Louisiana. This might be fairly considered as the principal artery of the whole system. The next was the connexion of the lakes with the Hudson river. In a political, commercial, and military point of view, few objects could be more important. The next object of chief importance was to connect all the great commercial points on the Atlantic,—Philadelphia, Baltimore, Washington, Richmond, Charleston, and Savannah, with the western states; and finally, to perfect the intercourse between the west and New Orleans. These seemed to be the great objects. There were others no doubt of high importance which would receive the aid of government. The fund proposed to be set apart in this bill was about 650,000 dollars a year, which was, doubtless, too small to effect such great objects of itself; but it would be a good beginning; and he had no doubt when it was once begun, the great work would be finished. Uninfluenced by an other considerations than love of country and duty, said he, let us add this to the many useful measures already adopted. The money cannot be appropriated to a more exalted use. Every portion of the community, the farmer, me-

chanic, and merchant, will feel its good effects; and, what is of the greatest importance, the strength of the community will be augmented, and its political prosperity rendered more secure.

Mr. Clay, (speaker) observed, that it was not his intention to enter into the general discussion of the subject: he wished only to say, that he had long thought that there were no two subjects which could engage the attention of the national legislature, more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures.

Mr. C. said, that, as to the constitutional point which had been made, he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of that point at this time. It was a sufficient answer to say, that the power was not now to be exercised. It was proposed merely to designate the fund, and, from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and congress could at some future day examine into the constitutionality of the question, and if it has the power it would exercise it; if it has not, the constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several states, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprize which called for national patronage, in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake canal, and other similar institutions. Perhaps that might be the best way to employ the fund; but he repeated that this was not the time to go into this inquiry.

With regard to the general importance of the proposition—the effect of internal improvements in cementing the union—in facilitating internal trade—in augmenting the wealth and the population of the country, he would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several states, he would ask, he would put it to the candour of every one, if there were not various objects in which many states were interested, and which, requiring therefore their joint co-operation, would, if not taken up by the general government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions. Such was the case with the improvement of the navigation of the Ohio at the rapids; the canal from the Hudson to the lakes; the great turnpike road, parallel with the coast from Maine to Louisiana. These, and

similar objects were stamped with a national character; and they required the wisdom and the resources of the nation to accomplish them. No particular state felt an individual interest sufficient to execute improvements of such magnitude. They must be patronised, efficaciously patronised, by the general government, or they never would be accomplished.

The practical effect of turnpike roads in correcting the evil, if it be one, of the great expansion of our republic, and in conquering space itself, as was expressed by the gentleman from South Carolina, is about to be demonstrated by the great turnpike road from Cumberland to Wheeling. That road is partially executed, and will probably be completed in about three years. In the mean time, Maryland is extending a line of turnpike roads from Baltimore to Cumberland, which is also partially finished, and will be completed in the same period. Three years from the present time, we shall have a continued line of turnpike roads from Baltimore to Ohio. The ordinary time requisite to travel from Wheeling to Baltimore, prior to the erection of these roads, was eight days. When the roads are completed, the same journey may be performed in three days. The distance, in effect, between those two points, will be diminished in the proportion of five-eighths, or, in other words, they will be brought five days nearer to each other. Similar results will follow wherever this species of improvement is effected.

Mr. C. owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits, from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious, from other, perhaps more selfish, considerations. He wished the Fourteenth Congress to have the merit of laying the foundations of this great work. He wished this congress, who, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude.

Mr. Gold, of New York, observed, that the constitution was interposed as an obstacle to the appropriation. When, he said, shall we have any principle settled and at rest in this government? Is every thing to be kept in fluctuation and uncertainty in all future time, and the fruits of experience, the benefit of example, of precedent, which is admitted in every thing else, to find no place here?

It is now twenty-five years since this great constitutional question was argued before the people of the United States: it was argued by the ablest of men, and decided under the most favourable auspices. It was decided shortly after the adoption of the constitution, while the objects of the instru-

ment, and the views of its authors, were well understood; and Washington yielded to the decision his deliberate sanction.

Most important measures of the government have been adopted in conformity with this decision. It is time, I must think, to apply the principle of "*Res judicata*," and put the question at rest. It may be truly said, that there has been as general an acquiescence of the community in the decision, as could be expected in a case on which the great parties of the country divided in violent hostility. I may add further, the case was *rightly decided.*

The express power delegated by the constitution over *commerce*, applies equally, and in the same terms, to *internal*, to "*commerce among the states*," as to *foreign commerce;* and the authority of congress is as *plenary*, as *absolute* over one as the other: it is all the power which any sovereign, integral government could or ought to exercise upon broad principles of legislation. This power is most essential. In war, a superior naval force may lock up the coasting trade of the country; the effects of which can be obviated only by a chain of canals from bay to bay, along the line of the sea-board. Improved roads may contribute to the same purpose. Interior facilities of communication may be added to enliven industry, and mitigate the pressure of war.

From another specified power, to provide for the "*common defence*," this constitutional question derives great support. The rapid movement of troops from one point of attack to another, as well on the sea board as the inland frontier, to meet the varying attacks of an enemy; the speedy transport of ordnance and heavy naval equipments, to points of assault and defence, will often become indispensable. The experience of the last war places the subject in the strongest light. The dangerous delays in the transportation of ordnance and naval equipments, will be remembered by all. Weeks, nay, I may say months, elapsed in the forwarding of ordnance, anchors, &c. from the sea-board to the northern frontier of New York. I am not certain that the anchor of the last great ship, built at Sackett's Harbour, has yet reached that place. A military road, as well as a canal, is highly necessary between the Hudson and the lakes; and this for the defence of the country.

On general principles, as applicable to the territory of the United States; a territory extending from the frozen region of the north to the climate of the sugar cane and the vine; from the Atlantic to the setting sun in the west, it is impossible not to see the fairest theatre for internal commerce, that was ever presented to any government, ancient or modern. To overlook these advantages—to stay the hand of improvement, is to do the greatest injustice to the community; is to be wanting in the highest duty of legislation. What, sir, have we recently seen?

The British government, relying on supplies to be drawn from the northern parts of the United States, through the provinces of the Canadas and New Brunswick, united with the scanty products of those provinces, for her West India islands, has interdicted all trade, in American ships, between our Atlantic ports and those islands. If those supplies from the states to Montreal, are not prevented by canal improvements between the great lakes and the Hudson, affording facilities to a market in the states, the present policy of Great Britain will prove successful, and a deep and lasting wound be inflicted on our commerce, and the nursery of our seamen.

Mr. SMITH, of Maryland, said he had ever been in favour of internal improvements, and he had carried theory into practice as far as his humble abilities and private means enabled him to do. There were few public improvements, in the district he represented, that had not had his aid. As a member of congress, he had given his vote and his aid to every improvement of the country that had in view a national object. But, sir, said Mr. S., I never have conceived it my duty to vote for the appropriation of large sums of money to be frittered away and applied to objects of trifling importance. Such, I conceive, will be the application of the fund contemplated by the bill now under consideration.

The bill, as originally reported, created a fund of six hundred and fifty thousand dollars per annum, or pledged the interest of eleven millions, *in perpetuity*, for internal improvements, to be applied as congress might hereafter direct, and the gentleman (Mr. Calhoun) stated some of the objects to which the fund would, he presumed, be applied. Sir, had the bill retained that shape, the fund might have been applied to great national objects. I will mention some of them, The first in consequence, in my estimation, is, to connect the waters of Lake Erie by a canal, with the Hudson. The importance of such a work must present itself to every well informed mind. Unless such a canal be made, the produce of the lakes and of the rich lands of New York, bordering on the St. Lawrence and Lake Ontario, must find a market at Montreal, and the advantages, of course, of a great proportion of our country, must go to Great Britain and her colonies. A canal from Lake Erie would draw the greater proportion of the products to New York. No sum, Mr. Speaker, could be too great to effect an object so grand, so splendid. This bill will afford a trifle only towards it. Another great object would be to construct canal locks round the falls of the Ohio, by which a certain navigation would be secured to ships and vessels descending that river, to the great advantage of Pennsylvania, Virginia and the Western states. There are other great national objects,

which are familiar to all, and which might have been perfected if the bill had remained as originally reported, but which will be paralyzed by the bill on the table! Let us take a view of it.

The bill, as amended, appropriates a capital of near eleven millions, or 650,000 dollars per annum, to be divided among the states annually, in proportion to the number of their representatives, and the proportion of each to be applied within the respective states in such manner as congress may hereafter direct. This, said Mr. S., appears at first view plausible and fair; what, however, will be its operation? New Hampshire, Rhode Island, Connecticut, New Jersey, Maryland, Delaware and South Carolina, never can have any increase of members on this floor: they will increase in numbers, but such will be the superior increase in other states, that I must consider those states stationary as to representation in congress. Thus, while other states will, at every census, increase their proportion of the fund, the proportion to those states will decrease. Maryland will draw for four years from the fund, a proportion as 9 to 183 —or 31,968 dollars each year. In 1820 a new census will be taken, after which her proportion will probably fall, by the great increase of New York and the Western states, to 25,000 dollars—I fear to a less amount—and in ten years more, to perhaps 15,000 dollars. The other stationary states which I have named will be similarly situated. Delaware will now divide 7,100 dollars annually.

Mr. Speaker, I frankly confess, that I would greatly prefer being silent on the subject of roads and canals during the present session. We have just emerged from an expensive war, the charges of which are not yet known. By the next session we shall have a more correct view of our finances. The view we now have is on estimates. Let us first pass the bill for establishing a sinking fund. Let us have time to know the operation of the new tariff of duties laid the last year. Let us know the amount of militia and other claims of the states, and the arrearages for army accounts. All these can be known by the next session, when, if we have the means, gentlemen will find me as liberal as any member of this house to promote objects of internal improvement, tending to great national purposes.

Mr. Speaker, I have examined the finances, with a view to the bill now under discussion. The data I have taken are drawn from the report of the committee of ways and means on the sinking fund, bottomed on the report of the secretary of the treasury, in which, it will be recollected, the secretary charges no interest on the capital of seven millions vested in the bank, because he presumed the dividend would meet the amount of that interest; he also gives credit for the bonus of 1,500,000 dollars from the bank, in three annual payments, as it becomes due. The result of my examination is, as stated in the report of the committee of ways

and means, that there will be in the treasury, on the 1st day of Jan. 1818,		$3,650,000
Deduct one year's interest, payable on the 7,000,000 bank stock in 1817, at 5 per cent.		350,000
		3,300,000
Revenue of 1817, agreeably to the secretary's report,		16,250,000
		19,550,000
Deduct therefrom,		
Permanent expenses of 1818, less four millions, to be advanced from the sinking fund of 1818, to purchase debt in 1817,	18,500,000	
Interest on bank stock for 1818,	356,000	
		18,850,000
Surplus,		700,000
In the Treasury, 1st of January, 1819,		700,000
Permanent revenue per Secretary's report,		22,250,000
		22,950,000
Deduct therefrom,		
Permanent annual expense,	22,500,000	
Interest on bank stock,	350,000	
Ditto on bonus, 500,000 paid in this year, - -	30,000	
		22,880,000
Surplus,		70,000
Permanent revenue in 1820,		22,250,000
		22,320,000
Permanent expenses for 1820,	22,500,000	
Interest on bank stock,	350,000	
Ditto on bonus, one million,	60,000	
	22,910,000	
Deficiency,		590,000
		22,910,000

It is, however, expected, that the sales of land will give more than its usual amount in 1820, but not more, in my opinion, than will be met by new and increased expenditure. Under this

view of our finances, I cannot, at this time, said Mr. S., consent to any new plan of expending the public money.

In fine, I am for appropriating our funds, when we can act advisably on the subject, to the making such roads and canals as have for their object, *national advantages;* not to be divided into small and insignificant sums, to be applied to objects within the power and means of the states individually.

Mr. SHEFFEY, of Virginia. The subject presents two propositions for our consideration: First—Does the constitution authorize congress to make provision by law to attain objects such as are contemplated by this bill? Secondly—If such power exists, is it expedient to exercise it *now*, and in the manner proposed? On the first question, though I accord in sentiment with the honourable gentleman from South Carolina (Mr. Calhoun) *that we have the power*, yet I do not agree with him that we *derive it* from that clause in the constitution to which he referred it; that which empowers congress "to lay and collect taxes, duties, imposts and excises; to pay the debts, and provide for the common defence and general welfare." I do not view the latter sentence as containing a distinct substantive grant of power. It must be taken in connexion with the other provisions in the constitution; and, in my opinion, ought to be understood in this sense—that congress shall have power to levy money "to provide for the common defence and general welfare," *so far as the common defence and general welfare are confided to them by this constitution.*

If we possess the power in question, it must be, as incidental to some one or more of the powers expressly delegated to us; as an instrument the more effectually to attain some or all of the great ends for which this government was instituted. It is here where those who contend for the existence of this power, and those who deny it, separate. It has been said by some, and stated to-day by an honourable gentleman from Connecticut (Mr. Pitkin) as his opinion, that congress could employ no means to carry into effect the delegated powers, but such as were ABSOLUTELY necessary. [Mr. Pitkin here rose and said he had stated it not as his own, but the opinion of others, with which he disagreed.] Mr. Sheffey said he was glad to find he was mistaken. It was an opinion, however, seriously entertained, and often uttered on this floor. If such is really the fact, then this government is without any power whatever. As in the physical and moral, so in the political world, there is scarcely an end which may not be attained by different means. If the objects confided to you, can be effected only by such means as are *absolutely* necessary, how will you effect any? If to execute the power "to lay and collect taxes," you direct that my land shall be sold for non-payment of a direct tax, I may say the law is un-

constitutional, because it is not *absolutely* necessary that you should sell my land: you might sell my house, or obtain the tax by many other means; *all* of them, perhaps, equally certain to attain the end, but none of them *absolutely* necessary. If to execute and provide proper sanctions to your laws, embracing subjects expressly delegated to congress, you impose imprisonment on the delinquent, may he not say that you are guilty of usurpation; that the privation of his liberty is not *absolutely* necessary to execute your law? In fact, sir, there is no imaginable case where this doctrine would not unnerve you, and render this government, formed for great purposes, and ostensibly invested with great powers, utterly imbecile and a subject of derision and contempt.

Those who formed this government, acted like wise and practical statesmen. They designated the *objects* of your jurisdiction; the *means* which you should employ to secure those objects, they did not, because they could not prescribe. They left the *selection* of the instruments to those who should be appointed to *use* them. They invested you with all the means "necessary and proper" to carry into effect the delegated powers, and left *you* to determine what was "necessary and proper." Hence I contend that if the *object* itself is within your control, a measure which tends to promote or effectuate it, is not limited by any constitutional restriction, but is a matter of discretion, for the abuse of which, we are responsible to our constituents, as in those cases where the power is unquestionable.

There are some objects vitally interesting to several states; to the accomplishment of which private means and enterprize are perhaps not competent, and which it would be unjust to expect to be effected by the state who has the local jurisdiction; such for instance is the cutting a canal round the rapids of the Ohio. All the immense region above and below is equally interested in effecting this great object. Shall Kentucky or Indiana alone bear the burthen, when many others are alike benefitted by the result? Can those states effect it whose territories are distant? Certainly not. Who then is to provide for this great object? The government of the United States, which has under its exclusive control the commerce between the several states.

The same clause which gives to congress the power to "regulate" commerce between the several states, gives the power to regulate commerce with foreign nations, and with the Indian tribes. Under the first of these powers, Congress, to give external commerce all possible facilities, have erected light houses, piers and beacons; they have established regulations for seamen in the merchant service; they have levied a capitation tax on these seamen contrary to the rule of the constitution, (as being a case not embraced by it) to create a hospital fund for the

sick and disabled. Congress under this power have suspended commerce entirely. Under the power to 'regulate' commerce with the Indian tribes, trading houses have been erected, and roads opened. Did any person ever object to these acts, (the one suspending commerce excepted) as transcending the constitutional powers of this government? For myself I can say I never heard of any such objection. This detail contains a practical construction of the word "regulate," and furnishes, moreover, a complete answer to the idea often repeated on this floor, that we can employ only such means as *directly* tend to execute the delegated powers; that we dare not without usurpation depart one step out of a direct line in moving towards our object.

I cannot subscribe to a doctrine which we have heard from a respectable source in the course of this discussion, that the *consent* of the states is necessary, to enable us to make roads and canals. If we have the power at all, it is the supreme power, which will execute itself, not only without such consent, but in opposition to the will of the states. The consent of the states certainly can give us no power where the constitution has not vested it, otherwise it might happen that we might do in one state what we could not do in another. The idea that the consent of the states is necessary, arises from blending two distinct subjects. If the *exclusive jurisdiction* over the roads and canals *when constructed*, should be desired by the United States, the states must first relinquish their jurisdiction. But this has no connexion with the act of *making the roads and canals*. You build custom houses without the consent of the states; but their territorial sovereignty over them is not lost; all crimes committed there, are cognizable by the state authorities. So it would be in relation to roads and canals made by your authority.

The honourable gentleman from Maryland, (Mr. Smith) has given us a detail of our finances, from which he infers, that however useful and proper, in itself, this measure may be, our means do not authorize the undertaking at this time. I will not now enter into the question, whether his inference is correct, though I incline to think that the honourable gentleman has given a picture of our resources too unfavourable. But I would rather retrench in other expenditures than permit this great object to be neglected. Reduce your army; introduce a system of rigid and well regulated economy, (not parsimony,) into the administration of your finances, instead of the waste and disorder which now prevail, and your means for effecting the purpose contemplated by this bill will be ample. Indeed, so important is this subject to the country, in my opinion, that rather than see it fail, I would consent to borrow money at eight per cent. or lay a tax on the country. The capacity of the people to pay taxes would be increased in proportion as the price of transportation of

their products to market would be diminished; a result which must follow a well organized and liberal system of internal improvement.

On the discussion of this bill in the Senate, the following remarks were made by Mr. DAGGETT, of Connecticut.

He would point the attention of the senate to some of the objections in his mind to the bill. 1st. It is not authorised by the constitution; and, if it were, secondly, it is inexpedient. He should with much reluctance urge any objections arising out of the constitution, for he had long since learned that the constitution is made to *change* with the times. It was one thing yesterday—it is another to-day. It is to be *enlarged* as the nation increases in *greatness* and glory—it must yield to the *pressing* exigencies of the moment. He need not say there is no power in the constitution *expressly* authorising the congress to construct roads and canals, and to tax the people to defray the expense. No one asserts the existence of such power. There is not a word upon the face of the instrument on the subject, except that it is declared, art. 1, sec. 8, that "the congress shall have power to establish post offices and post roads." This, so far from authorising the establishment by congress of *all roads*, limits, if it bear at all on the point, the power to post roads only; otherwise it must be shown that an instrument which gives a special power over *post roads, in terms*, gives, by implication, a general power over all roads. Such absurdity should not be imputed to the wise men who framed this constitution. The reverse of all this is unquestionably true. By sound rules of interpretation, the expression of one thing is the exclusion of another. The constitution declares "The congress shall have power to provide for the punishment of counterfeiting the securities of the United States —to constitute tribunals *inferior* to the supreme court—to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions—to exercise exclusive legislation over ten miles square, &c." In the cases mentioned, is not the congress prohibited from providing for the punishment of counterfeiting *private* securities—from establishing tribunals *superior* to the supreme court—from calling forth the militia to *garrison* forts in time of peace—and from exercising *exclusive* legislation over the city of Baltimore? Again: The states, at the adoption of the constitution, possessed the entire control over all the roads and canals within their respective limits. On this point there can be no doubt. Each state always has, and now does, exercise this power. Is it taken away by any *express* prohibition? Certainly not. Is it taken away by *implication?* Certainly not; unless the power is given to the

congress in such manner as to preclude the exercise of it by the states, and for such an idea no one contends.

Is there a power in the general government over roads and canals, *concurrent* with the power of the states? If so, it may be asked, where are the limitations of these respective powers? Or have the congress a sovereign authority, and is that of the states subordinate? The constitution is silent on this subject—not so, where concurrent powers may be exercised. For example, in the 10th section of article 1, it is provided that the states shall lay no imposts or duties on exports or imports except such as are absolutely necessary for executing their inspection laws—they may not keep troops or ships of war in time of peace, nor engage in war unless actually invaded. It is within the province of the national government to lay duties and imposts—to keep troops and ships of war, and especially to engage in war; yet these powers in the cases specified and with the limitations prescribed, are retained by the states, and may be exercised concurrently. In the 8th section of the 1st article, and in the 2d section of the 2d article, there are more striking examples of concurrent powers. To the congress, the power is given of calling forth the militia in the cases therein mentioned, and to the president the power of being their commander in chief *when in actual service*. There is also reserved to the states the power of appointing their officers and of training the militia. There may be some question as to the precise extent of the powers of this government and of the states over the militia, but a concurrent power is manifestly established and attempted to be defined.

Mr. Daggett asked again, is this measure constitutional, because congress may provide for the "general welfare and common defence?" If so, then an enumeration of powers was wholly unnecessary, and is worse than useless; then there is no constitutional limit to the powers of this government, but the discretion of the legislature, and, in truth, such is now a very prevalent opinion, if a judgment is to be formed from the manner in which power is claimed and exercised. The instrument may be *termed* "the sacred charter of our liberties—our polar star," and by many other pretty names, and at the same time be *practically* disregarded. Again, all those internal and municipal regulations of every description, which contribute to promote the strength and prosperity of the community, are provisions for the "*common defence and general welfare.*" The congress, then, may construct and support roads, bridges, and canals; regulate manufactures and agriculture; establish schools, academies, and colleges; enact wise laws for the suppression of sin—for the preservation of morals—for the punishment of all offenders, and thus assume all the powers of legislation. Then, indeed, our union would be strengthened, as

mentioned by a gentleman from Pennsylvania, our state authorities broken down, and our government consolidated.

Will the power in question be claimed by that part of the constitution which authorises congress to *regulate* commerce between the states? If so, to regulate commerce, means to promote, to facilitate, to secure it by all discreet measures, and the bill seems to have been framed in reference to such an exposition. Inspection laws are useful to promote commerce between states, and yet laws of this character have never been attempted by congress; on the contrary, the states have the power, by *irresistible implication*, of enacting inspection laws; and there is an *express* power given to congress " to revise and control them," and this enumeration of that power strongly implies, that no other power over this subject is intended to be given.

It would be wise, in the opinion of many, that all promissory notes should be negotiable, to facilitate commerce; and undoubtedly the whole law on the subject of inland bills of exchange, is intimately connected with commerce; the buying and selling of slaves in one state, to be transported into another, is a portion of the commerce between states. Laws then may be made by congress to control all these subjects. It may deserve much consideration, whether such a broad construction is not in the face of the constitution, and especially of the 10th article of amendments, which is in these words—" The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

It is said, however, that appropriations have been made, and roads laid out by congress; and the Cumberland road and others are mentioned. Congress may undoubtedly make roads through the lands of the United States, not within the jurisdiction of any state, and the Cumberland road was established probably as a post road. Be that as it may, precedents of such doubtful character, and of such modern date, will not weigh much. The constitution is not to be expounded by a single decision of the legislature. It would scarcely be admitted by a majority of the senate, that the sedition law, as it is termed, was authorised by the constitution, though it received the sanction of the judicial tribunals, as well as the legislature; nor is it clear that the act to repeal the judiciary law in 1803, would now be viewed as it was when passed.

It is further asserted, that these roads and canals are to be constructed, and the expenditure made, *with the assent of the states*, and thus the power of congress, if doubtful, is confirmed, and the bill in question is drawn with this aspect. Mr. Daggett said, on this point he would ask one question: Can money be appropriated by congress for an object over which it is not

authorized to legislate, *because the states assent?* Or, in other words, can a law be made, *with the consent of the states*, which is not warranted by the constitution? By the constitution, the judicial power extends to all cases arising under the constitution, &c. Can congress, *with the assent of the states*, extend the judicial power to murders, felonies, and other offences committed in the states? Where would be found a judge rash enough to execute such a law? It is believed that the true doctrine is, that the constitution is the shield of every individual in the nation, and that its powers can neither be enlarged nor diminished by the states, except by amendments made in pursuance of its provisions.

It may be added, that neither of the presidents Washington or Adams, ever proposed a measure of this character. The present chief magistrate has suggested it in one or more of his messages, but always with doubts as to the propriety of an interference, without amendments to the constitution.

If, however, there were no objection arising from a want of constitutional authority, Mr. Daggett said, that, in his judgment, the project was inexpedient.

No details are provided. What is to be the amount of interest in these various projects? Are co-partnerships with states or individuals to be formed, and the *profits* divided? Or are boards of works to be established in all the states, with all the machinery of management incident to them to be superintended by congress? On all these points, and many others which might be suggested, the bill is silent; and the only answer we hear from the friends of the bill, to our enquiries, is, no details can be agreed on—should details be attempted, the bill would not be carried. Is this a sufficient answer? Before we proceed to grant away more than twelve millions of dollars, it is reasonable that the manner of expenditure should be pointed out.

The time also is not proper. A war has just terminated, leaving upon us a debt (with that which existed before) of one hundred and twenty millions of dollars. Our navigating and manufacturing interests are languishing, and no small portion of distress pervades many parts of our country. It is not then the prosperous moment to enter upon gigantic projects—it is not the time to expend millions on undefined objects.

It would be unwise, at any time, to pledge this great amount, and pledge it beyond the control of government in any exigency of affairs. We are now at peace—we may soon be at war. Yesterday a proposition to reduce the army was rejected; and a strong reason urged was, that our relations with a nation bordering on our territory were in a disturbed condition. We all have a painful recollection of the state of our pecuniary resources during the years 1813, 14 and 15. We have now a full treasury, and we speak of it as inexhaustible. No private or

public treasure is inexhaustible, without frugal and discreet management. Are we sure of the continuance of our resources? That derived from the land tax we can no longer look to; the other internal taxes will surely follow that on the land. A disposition is manifest to rid the nation of these vexatious taxes, and they will soon die without a struggle or a groan. Our revenue from imposts is liable at all times, to be seriously affected or cut off by a war. In such an event, will the people acquiesce in supporting burdens to construct roads and canals? The appropriation can be made by the next congress; no part of the 1,500,000 dollars will be received before its next session, and not more than one dividend. A change in the aspect of our affairs may occasion regret for this measure.

Many of the states have already expended large sums for the objects contemplated by this bill. The public is sufficiently accommodated. It is unequitable to burthen such states with taxes for a system of internal improvements, not needed by themselves, because other states have neglected these objects.

The measure is inexpedient, because, upon the principles assumed in the bill, the United States may be defeated in the accomplishment of the proposed objects, by a refusal of the assent of the states. If this government has not the power of controlling absolutely roads and canals, leave them with the competent authorities. If it has the power, it should be exerted in a manner becoming the supreme authority, and not by bargains with states.

On the 3d of March, after the bill had passed both houses, the President of the United States, Mr. Madison, sent the following message to the house of representatives:—

To the House of Representatives of the United States.

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements;" and which sets apart and pledges funds "for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several states, and to render more easy and less expensive the means and provisions for the common defence;" I am constrained, by the insuperable difficulty I feel in reconciling the bill with the constitution of the United States, to return it, with that objection, to the house of representatives, in which it originated.

The legislative powers vested in congress are specified and enumerated in the 8th section of the first article of the constitution; and it does not appear that the power, proposed to be exercised by the bill, is among the enumerated powers; or that it falls, by any just interpretation, within the power to make

laws necessary and proper for carrying into execution those or other powers vested by the constitution in the government of the United States.

"The power to regulate commerce among the several states," cannot include a power to construct roads and canals, and to improve the navigation of water courses, in order to facilitate, promote, and secure, such a commerce, without a latitude of construction, departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to congress. To refer the power in question to the clause "to provide for the common defence and general welfare," would be contrary to the established and consistent rules of interpretation; as rendering the special and careful enumeration of powers which follow the clause, nugatory and improper. Such a view of the constitution would have the effect of giving to congress a general power of legislation, instead of the defined and limited one hitherto understood to belong to them; the terms "common defence and general welfare," embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the constitution and laws of the several states, in all cases not specifically exempted, to be superseded by laws of congress; it being expressly declared, "that the constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." Such a view of the constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the general and the state governments; inasmuch as questions relating to the general welfare, being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

A restriction of the power "to provide for the common defence and general welfare," to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of congress all the great and most important measures of government; money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve the navigation of water courses, with the train of powers incident thereto, be not possessed by congress, the assent of the states, in the mode provided in the bill, cannot confer the power. The only cases in which the consent and cession of particular states can extend the power of congress, are those specified and provided for in the constitution.

I am not unaware of the great importance of roads and canals,

and the improved navigation of water courses; and that a power in the national legislature to provide for them, might be exercised with signal advantage to the general prosperity. But, seeing that such a power is not expressly given by the constitution; and believing that it cannot be deduced from any part of it, without an inadmissible latitude of construction, and a reliance on insufficient precedents; believing, also, that the permanent success of the constitution depends on a definite partition of powers between the general and the state governments, and that no adequate land marks would be left, by the constructive extension of the powers of congress, as proposed in the bill, I have no option but to withhold my signature from it; cherishing the hope, that its beneficial objects may be attained, by a resort for the necessary powers, to the same wisdom and virtue in the nation, which established the constitution in its actual form, and providently marked out, in the instrument itself, a safe and practicable mode of improving it, as experience might suggest.

JAMES MADISON.

March 3d, 1817.

DEBATE CONCERNING THE CAPTORS OF MAJOR ANDRE.

January 13, 1817.

Mr. Chappell from the committee of pensions and revolutionary claims, presented an unfavourable report on the petition of John Paulding, one of the persons who took major André, the object of which petition was an increase of the pension allowed for that service.

Mr. Wright moved that the report should be recommitted with instructions to report in favour of the petitioner's claim.

Mr. Chappell said, that the committee did not think the public bound to support the whole family of the petitioner, and as for the man himself, he was amply provided for by the bounty of the country already granted.

Gen. Smith said, that the act for which this man had received a pension was an act out of the ordinary duty of the soldier. West-Point had been saved by it; and what was of more consequence, in all probability, the life of Gen. Washington. Two hundred dollars a year had been the original grant, and the house ought to make the allowance now equal to the value of

200 per annum then, particularly as the man had 13 or 14 children.

Mr. Southward was in favour of the recommitment. The men who took major André, he said, had resisted the temptation of a large sum of money from him, and he remembered that at the time the whole country rung with their praise.

Mr. Jewett opposed the recommitment: he said, that if 1000 dollars had been given at the time, they would have thought it a most bountiful remuneration; but instead of that, the petitioner had a pension for life of 200 dollars, and had already received four thousand.

Col. Tallmadge said, he always felt unpleasantly when a claim was presented to the house, growing out of the revolutionary war, which he could not support. Having a knowledge of some facts which related to this case, he felt it to be a duty incumbent on him to state them to the house. He said, that when Gen. Washington was about to go to New England to meet Gen. Rochambeau, he wrote to him (Col. Tallmadge,) then with a detachment of troops in advance of the army, near North Castle in the state of New York, directing him to communicate to General Arnold, who then commanded at West-Point, any information he might receive of the movements of the enemy. Nearly at the same time Gen. Arnold wrote to Col. Tallmadge, informing him that he had been apprised of Gen. Washington's instructions to Col. T., and that, as he expected a gentleman from New York, of the name of John Anderson, with important intelligence, he wished him (Col. T.) to give him (Anderson) a safe escort to a place where he (Arnold) would meet him. The next information that occurred (said Col. Tallmadge) was Mr. Anderson's being brought a prisoner to our regiment by John Paulding, —— Williams, and —— Van Wart. The papers found on the prisoner were sent by Col. Jamison, who commanded the regiment, to meet Gen. Washington on his return from the eastward, while information of the occurrence was sent to Gen. Arnold. The event, said Col. T. is but too well known.

During this state of suspense, Mr. Anderson could no longer endure to act an assumed character, and frankly acknowledged that he was Major John André, adjutant general of the British army.—Having requested pen, ink, and paper, he made a full disclosure of his true character to the commander in chief, which was immediately forwarded by express to Gen. Washington.

Col. Tallmadge said, that he removed Major André to West Point by order of Gen. Washington, and from thence to the head quarters of the army, and was continually with him until he was executed.

During this period Major André very fully and freely con-

versed on the subject of his capture, and informed him, that if he could have commanded a few more guineas than he then had it in his power to offer, beside the gold watch which was in his pocket, he should not have been then a prisoner.

Col. T. said, he knew nothing at all of the three men who were the captors, as they did not then belong to the army, but were of a certain class, who scouted occasionally between the lines. He felt no inclination to undervalue their services; but when he considered that they did no more than what every citizen in the United States, under similar circumstances, was bound to do, he did believe the government had bestowed upon them an ample reward. He could not consider this case as standing on a footing with the services of a man who had been wounded, and perhaps had lost a limb in the service of his country. A soldier under these circumstances, had now for a full pension, since it was raised at the last session, 96 dollars a year: the petitioner had been in the receipt of 200 dollars a year since the capture of Major André took place.—So far from being 4000 dollars, he said it was nearly double that sum that the petitioner had received; and if he was correctly informed, the state of New York had also given to each of them a handsome donation of land. He repeated, that he did not consider this claim as standing at all upon the footing with that of the man who had served his country in the field, and been wounded in the service. He was aware that the value of money had changed since this pension was established; but it would not be deemed necessary in all instances to raise the wages and emoluments of those who received them. In the present instance, there was a standing reward for a display of patriotism which the country had been satisfied with; but he would not consent to increase it for the reasons stated by the petitioner.

Mr. Gold said, he was unwilling, on what had been said by Major André, to detract from the merit of the petitioner. It was a transaction connected with one of the most important events of the war. As an example to men in the humble walks of life he wished to have it preserved in the same spirit as when first granted, and on the same standard of value.

Mr. Forsyth expressed his surprise.—The hon. gentleman from Connecticut had spoken from his own personal knowledge, and the account he had given was very different from that given in history. He did not wish to call the hon. gentleman's words in question; but he wished before he gave a vote, to see evidence of the original transaction.

Gen. Smith said, that the information given by Col. Tallmadge was perfectly novel to him. He had always understood that large offers and promises had been made by Major André,

and rejected. On Major André's part it could be nothing but opinion, and such an opinion it was natural enough for him to entertain. Gen. Smith said, he knew Major André well—he was acquainted with him in England, where he had introduced him to his friends—he came over in the same vessel with him to America, and when the Major was a prisoner at West-Point, he had visited him there, and he declared that he would rely upon the word of Major André, as much as upon that of any man living. But this now related was only his opinion.

Mr. WRIGHT dwelt upon the impropriety there would be in giving on such an occasion credence to the opinion of a person under André's circumstances—a man who could be a spy.

Col. Tallmadge again rose, and stated more circumstantially what had been related to him by Major André. The Major, he said, told him that the captors took him into the bushes and drew off his boots in the act of plundering him, and there, between his stockings and feet, they found the papers—that they asked him what he would give them to let him go—that he offered them his watch and money, and promised them a considerable sum besides—but that the difficulty was, in his not being able to secure it to them; for they had no idea of trusting to his honour. They reasoned a while upon the matter, and on the whole, concluded that it was best to bring him to the American army. Col. Tallmadge declared that André was above all falsehood or duplicity; and felt ready to die with shame, at being in such a mean disguise—nay, begged for a military cloak to cover him.

Mr. Forsyth, wished the report to lie on the table, in order to have the matter examined.

MR. PICKERING said, the information was perfectly new to him, but he perfectly believed it. As to Gen. Washington's life being in danger, that was out of the question, for he was at the time at Newport.

MR. ROBERTSON would not believe one word of the statement of Major André.

MR. SHARP was against the report being laid upon the table; and that motion was negatived.

After some further conversation, the motion of Mr. Wright for recommitment was negatived, and the report was agreed to.

PAINTINGS OF COLONEL TRUMBULL.

January 27, 1817.

The bill to authorize the President of the United States to employ Colonel Trumbull to compose and execute four paintings of the principal events of the revolutionary contest, to be placed in the capitol, was again read, and the question being put, that it be adopted by the house, a debate upon it arose, which occupied the house for a great part of the day.

Mr. Ross opposed it—he could not perceive the use or necessity there was for employing artists to embellish the capitol with paintings, at an expense which knew no limits—and he desired to have the question taken by yeas and nays, which was agreed to.

Mr. FORSYTH opposed the resolution, and said, that though he had the most perfect confidence in the professional skill of Mr. Trumbull, he was not equally confident that the feelings of that gentleman were such as he should approve. Neither was he clearly of opinion that government ought to become a patron and encourager of the fine arts. Besides, he would never vote to decorate, at a great expense, the capitol with paintings, till there was a monument erected over the body of Washington. He intimated moreover, that he should be glad to hear what the events of the war were, which were to be the subjects of Mr. Trumbull's pencil.

Mr. CALHOUN said, that highly as he venerated Washington, he regarded with much greater satisfaction the events which that great man had been an instrument in bringing to their accomplishment, and without which, Washington would never have been other than a farmer on the banks of the Potomac. The whole expense, he had reason to believe, would not exceed twenty thousand dollars. Respecting the events that were to be selected, he did not pretend to speak with certainty—but he believed they were

The surrender of Burgoyne and Saratoga.

The surrender of Cornwallis.

The declaration of Independence.

And Washington laying down his sword to congress.

Mr. HOPKINSON observed, that the house had seen enough of estimates to know how little they were to be depended on. The estimate made of the expenses of that uncouth wall, which enclosed the square of ground in front of the capitol, was 30,000

dollars—while the probability was, that in the event, the public would have to pay 100,000 for it. An accurate estimate of the expense of the projected pictures, was unattainable—the expense must depend upon the time and labour employed upon them—the time and labour upon the size of the pictures, and the size again upon the situations in which they were to be placed; respecting which there must necessarily be an arrangement between the painter and the architect. Upon the whole, however, Mr. Hopkinson thought that Mr. Calhoun's estimate would be the utmost.

Mr. ROBERTSON was against the resolution—nations, he said, like individuals, were bound to be just before they were generous, and he would not vote money to pay men for commemorating events, when the men who suffered in bringing about those events remained unrewarded. He would much rather pay the sufferers at New Orleans. He thought it best for the artist to execute his labours, and when done, present them for sale. He would, in short, rather first see the pictures.

Mr. HARRISON said, that if it were a mere question about the money to be paid, he might perhaps let it be negatived: but it respected a totally different object—it was to keep perpetually represented to the eyes of the representatives of the people, events which could not fail most powerfully to excite their patriotism. In this way, and for the same purpose, all republics had expended large sums, and as an instance he alluded to the high value set by the Athenians on a picture of the battle of Marathon. If the pictures were to cost four times as much, he would vote for them.

Mr. FORSYTH explained. The picture of Marathon had long been destroyed, and yet the memory of the event remained unfaded. He put it to the good sense of the house whether they would have paintings before they had monuments, which he considered as much more likely to produce emotions of the kind gentlemen talked of. No painting in the world, he maintained, could produce such strong emotions as the present rude tomb of Washington.

Gen. SMITH said, the great objection was to the money; and it had been thrown out that they ought to be just before they were generous, as if they had been found wanting in justice. But on what occasion, he asked, had they not been just? Were they so poor that they could not be generous as well as just, or that they could not afford to hand down to posterity a view of those men who voted the declaration of independence, who won that independence at Trenton, at Saratoga and at York—and of Washington laying down his sword to congress, and like Cincinnatus retiring to the privacy of his farm, and to the plough. It was admitted by the world, and proved by a number of instances that the Americans had a natural genius for painting, and

on that account if on no other he hoped congress would not be parsimonious in encouraging the fine arts.

Mr. PITKIN said that Mr. Forsyth in objecting to the resolution, had mentioned that he did not know *the feelings* of the artist, and made this one of the grounds of his opposition. He therefore rose merely to state, for the information of the house, that at the commencement of the revolution, col. Trumbull took an active part in the defence of his country's rights, and, he believed, made one of Gen. Washington's family. Following, however, the strong bent of his inclination, in the course of the war he went to England to study under his celebrated countryman, Mr. West. While in England he was taken up as an American spy, and for some time was confined as a close prisoner in the tower. Through the interposition of Mr. West, he was afterwards liberated. At the close of the war he projected a series of paintings commemorative of some of the most important events of the American revolution, beginning with the battle of Bunker's hill, and ending with the scene of the immortal Washington's laying down his military command, and surrendering his sword to congress at the close of the war. Two of these, the battle of Bunker's hill and the death of Montgomery, the prints of which Mr. Trumbull presented to that house, were finished in England. This employment of his pencil threw him into the back ground in that country. It gave him no patronage then. In order to support himself he was obliged to defer his original plan, and engage in historical works more flattering to English pride. He accordingly painted the celebrated sortie of Gibraltar.

It was also well known (Mr. P. said) that colonel Trumbull was one of the commissioners under Mr. Jay's treaty on the subject of British spoliations, selected by Mr. Pinckney and Mr. Gore, the two other American commissioners, and that his vote gave our merchants many millions of dollars. These circumstances Mr. Pitkin trusted would satisfy the honourable gentleman and the house, that the feelings of this celebrated artist are and always have been, truly American.

Mr. TALLMADGE observed that he knew the family of the Trumbulls well. The father of this artist was governor of the state of Connecticut during the revolutionary war, and his four sons were actively employed in the army. The whole family were unshaken patriots, and the present artist was among the most zealous in defending the rights of the country. Mr. Tallmadge further remarked that the present artist being personally conversant with the great events of the revolution, and acquainted with most of the patriots who planned, and the military characters who achieved our independence, was the only man on earth who could give their real likenesses. Mr. T. had examined the paintings now in the hall, and was ready to pronounce the likenesses very accurate so far as his knowledge of them

extended. He presumed colonel Trumbull, whose talent for historic painting had been justly celebrated in Europe, would do his best to accomplish the object he had in view; but he hoped there would be national pride enough displayed on this occasion to secure so valuable an exhibition of some of the most prominent events in the revolution. It was the only opportunity that would ever occur, and he hoped that congress would not by an overstrained parsimony, oblige the artist, their fellow citizen, to leave his native shores, nor deprive Americans of the delight of reading on canvass the history of those events.

Mr. RANDOLPH spoke with his usual animation and force in favour of the resolution. He enlarged with great felicity on the emotions produced by representations in painting of great and important national events—who, he asked, could bear to have the old tapestry in the house of commons of England taken down, if it were for nothing else but for the beautiful apostrophe of the elder Pitt. He looked upon such things as he did on the old *magna charta*, which, in itself was but an old piece of parchment, but was a relic worth all the scapularies of the Catholic church.

Mr. TAYLOR of New York, opposed the resolution, which was on the other hand ably supported by Messrs. Nelson and Gaston, after which the resolution passed, the question being taken by ayes and nays—Yeas 114, nays 50.

AN ACCOUNT

OF THE

OPERATIONS OF THE FRENCH ARMY

IN THE

UNITED STATES OF AMERICA,

DURING

THE WAR OF THEIR INDEPENDENCE;

TRANSLATED FROM THE FRENCH OF THE MEMOIRS OF MARSHAL COUNT DE ROCHAMBEAU.

THE troubles in America beginning to engage us in her quarrel, it was resolved to send to that country a corps of auxiliary troops, of which the king gave me the command.

I had been preceded in that continent by the count d'Estaing, whose brilliant successes after the taking of Grenada, and the naval action which he had won over the English, were rendered fruitless at Savannah in Georgia; it was with much difficulty that he regained the coast of France, with a fleet disabled and dispersed by a violent storm.

The reverses which he experienced in this expedition, a projected attack by the English at New York upon Carolina, the depreciation of the continental money, all these causes together brought on an important crisis in the affairs of America; she had defended herself almost alone, since the beginning of her revolution, against the whole force of England. The more vigorous her efforts had been, the less was she able to renew them. Her congress, in this difficult moment, resolved to solicit from the king of France their ally, fresh succours in ships of war, in troops and in money.—The king granted them a squadron of seven ships, to act on their coasts, a body of troops amounting to four thousand men, and a sum of money. The chevalier de Ternay was appointed to command the squadron.

In consequence of my representations about the insufficiency of the means with which I was furnished for acting at so great a

distance, the king immediately doubled the corps which was intended for me; the artillery too was doubled, as well as the munitions of every kind: every thing appertaining to the department of war was set in motion towards Brest with a diligence almost unexampled, and arrived at that port early in April, the time fixed for the embarkation. The department of the marine was not so expeditious; the sailing of the fleet of M. de Guichen with the supplies of munitions and troops which were sent to our own colonies, had drawn all the transport-ships from Brest. The minister of the marine gave tardy orders to have some brought from Bordeaux, but they were detained by contrary winds, so that upon my arrival at Brest I found only vessels enough to embark one half of the troops which were destined for America.

M. de Choiseul used to say, that the watch of M. de Sartine, the minister of marine, was always too slow; and upon this occasion the remark was strictly applicable. The exertions of M. Hector, commandant of the marine at Brest, procured a small addition, the whole sufficing for the embarkation of five thousand men. We made the strongest remonstrances to our respective departments against the impropriety of dividing into halves a body of troops already too weak; but the preparations which were making in England to arm a squadron to be sent in pursuit of us; the advantage which this squadron would possess in sailing without a convoy; the necessity of a prompt departure, and above all, the urgency of affairs in America, requiring a speedy and effective succour, determined the council to dispatch a positive order to us, to separate into two divisions the corps destined for the United States, and to set sail with the first favourable wind with what troops could be collected for the first. We were assured at the same time, that every means would be used to send off as early as possible the second division. Contrary winds detained the convoy and squadron in port until the 2d of May, 1780, and the same winds detained at Bordeaux the transports of the second division. At length we were obliged to obey peremptory orders. Fifteen days before this time, La Fayette, who was returning to the American army, with the rank of Major General, which his services in America had procured him, embarked in a frigate at the isle of Aix, with a commissary charged to announce the sailing, and prepare at Rhode Island, for the debarkation and supplies, of the French troops.

After a month of contrary winds and delay in Brest-roads, the chevalier de Ternay took advantage of a wind in the night of the 1st and 2d of May to set sail with his whole convoy, which got to sea without accident; but was met by a violent gale in the gulf of Gascony; the fleet was dispersed for four days during which the storm lasted; but upon a change of wind

soon got together again and doubled cape Finistêrre. The English admiral had sailed with the same northerly wind; but the tempest having overtaken him before he had cleared the channel, he was obliged to regain a port, by which means the French convoy got considerably the start. Our voyage, after having passed to the south of the Azores, was easy, but slow and protracted by calms. On the 20th of June, being to the south of the Bermudas, we descried a squadron of six ships making towards the convoy under a press of sail; the chevalier de Ternay ranged his transports behind his line and moved towards the enemy, who was astonished to see seven sail of the line come forth from a groupe of merchant vessels, in order of battle. The bulk of their squadron kept the wind; one of their vessels however, fell within reach of our line, which pursued her so closely that she was very near being taken. The chevalier de Ternay observing that one of his ships *Le Provence*, although crowded with canvass, could not keep up, and occasioned a gap in our line, and fearing that the enemy's squadron which was to windward, might take advantage of the circumstance to cut her off, and afterwards fall upon the convoy, made signal to slacken sail to the two ships which preceded him: the English vessel took advantage of this to tack and join her squadron, receiving the fire of all our line, which however, did not disable her. The two squadrons kept up a cannonade until sunset. The chevalier de Ternay continued his route with the convoy, the security of which he preferred to the personal honour of capturing an enemy's ship.

We learned afterwards that this English squadron was commanded by captain Cornwallis, and was returning to Jamaica, after having escorted fifty merchant vessels, as far as the Bermudas.

Some days subsequent the French squadron took an enemy's cutter conveying a number of officers from Charleston to the West Indies. We learned from them the siege and capture by the English of that capital of the Carolinas. We found soundings on the 4th of July, and concluded that we were only a short distance from the coast of Virginia. We took another enemy's vessel, the papers on board of which confirmed the capture of Charleston, and the return to New York of admiral Arburthnot's squadron with the body of troops who had maintained the siege under Gen. Clinton. He had left five thousand men at Charleston under the command of Lord Cornwallis. The passengers informed us that the garrison of New York, since the return of those troops, amounted to fourteen thousand men, and that Arburthnot expected every day to be joined from England by admiral Graves, and to operate afterwards with their united forces. On the evening of the same day the chevalier de Ternay observed, within the capes of the

Chesapeake, eleven large ships which our oldest sailors took for ships of war. We conjectured that they were the six ships which we had already encountered on the 20th, united to the force of Arburthnot or of Graves, and which were waiting to attack us in their turn. The orders of the chevalier de Ternay directing him to disembark at Rhode Island, he tacked about, changed his course in the night, and steered for Rhode Island. It was a fine opportunity which we had missed, for the eleven sail, as we were afterwards informed, were a convoy on their way from Charleston to New York, escorted by a few frigates. But the chevalier de Ternay, anxious only for the arrival of his convoy at the place of destination, studiously avoided every engagement which could only redound to his personal glory.

He entered at last, on the 12th of July, a harbour of Rhode Island, after a navigation of seventy days. The squadron of admiral Graves followed close upon us, and arrived the next day at New York. The storm which we had encountered in the bay of Biscay, obliged that officer to return to Plymouth, where he was detained fifteen days. In the neighbourhood of the Western Islands he captured a ship belonging to the French India company, which being richly laden he took in tow: this retarded his arrival and saved our convoy, which would have been roughly handled if the squadron of Graves, united to that of Arburthnot, had encountered us.

The troops debarked at Newport the capital of the island, and were encamped with their left to the sea and their right towards the anchorage of the squadron, which was protected by the land batteries that I planted at the most eligible points. I fortified also several points on which the enemy might land, and opened roads by which I might march to attack him at his first appearance. * * * * * *

The capture of Charleston had thrown the American finances into great discredit. The paper money had depreciated so far that sixty dollars of it were given for one of silver. General Washington, after detaching to Carolina the troops of the southern states under General Gates, was reduced to act on the defensive in the Jerseys with his army composed of the northern troops. The arrival of the French forces, although inferior in numbers to what they had expected, was welcomed by General Washington and the congress with great joy and gratitude. It was hoped that we should soon see the second division which was announced to congress by the French minister, with an augmentation of naval force accompanying it, that should restore to us the maritime superiority, so necessary for acting on every part of the coast in possession of the English.

Ten days after our landing, the combined English squadrons to the number of twenty sail, twelve of which were of the line, appeared in sight, and advanced to the island to attack the

French at their anchorage; but they renounced that project until they should be seconded by the land forces of which the English general was hastening the embarkation in the sound. General Washington, who watched all their movements, gave me frequent advices of them, and on account of the diminution of our little army and the weakened state of the squadron, from sickness, he authorized me to put in requisition the militia of the states of Massachusetts and Rhode Island, to assist us in our works and in the defence of the island. These states sent four or five thousand men assembled by General Heath, who all took the field with great ardour and perfect willingness. This American general had been dispatched by Washington to procure for the French all the succours which he might be able to command, and he acquitted himself of his charge with a truly patriotic zeal. I kept only two thousand men, of whom I gave the command to La Fayette, whom Gen. Washington sent to me at the same time. I requested General Heath to send the rest back to their harvests, which they had suspended to come to our assistance.

General Clinton had, in fact, embarked at a port in Long Island, with ten thousand of his best troops, a quantity of heavy artillery and mortars, for the purpose of attacking us on Rhode Island; but whether it was that he was informed of our preparations to receive him, or that a recent movement of General Washington towards New York, made him afraid to commit the safety of that place to too small a garrison, he resolved to land his troops and to form camps on Long Island. It is said that there were at the time sharp altercations between the military and naval commanders: this was, without doubt, the occasion of the different demonstrations which they made at the end of August and during the month of September, but which were always too dilatory to give any uneasiness to the French troops. In the mean time, however, the enemy's squadron did not cease to blockade ours, and appeared to be waiting for a reinforcement to attack us.

I will here speak of a small misunderstanding in my correspondence with General Washington, which was stifled in its origin. After he had answered my first letter in the most polite manner, I observed that under the pretext of being slightly acquainted with our language, he spoke but little of business in his succeeding letters; but he sent La Fayette to me with full powers. The latter had occasion to witness the vigour of our defensive measures against the preparations of the enemy, and to observe how effectually the army protected our small squadron against the superiority of the English. With regard to offensive operations, the chevalier de Ternay and myself deferred them until one of the three following events, of which we had great hopes, should take place:—1st, The arrival of my

second division. 2d, A reinforcement of ships from M. de Guichen, a requisition for which had been made by the chevalier de Ternay, in consequence of an authority granted to him for that purpose. 3d, Or, in fine, that the enemy by drawing his forces towards the south, might weaken New York so far that we should have nothing to fear for our squadron at Rhode Island, and leave us at liberty to attempt something with the army upon the Island of New York.

Immediately after his return to Washington's head-quarters, La Fayette wrote me a most pressing despatch, in which, after recalling our conversations, he concluded, in the name of the General, by proposing that I should join him immediately to undertake an attack on New York; his letter finished by a sort of summons founded on the political state of the country, and the apprehension that this campaign was the last effort of her patriotism. We were still further dissatisfied with this despatch, because General Washington, in his letter to me by the same messenger, did not say a word of this project; but he made no answer to my request for an interview, at which, by an hour's conversation, we could settle more than by volumes of writing. I took occasion to write a letter to La Fayette, in which, after reminding him that, by his own showing, there were fourteen thousand regular troops in New York independent of the militia, and that the French squadron was blockaded in Newport by a force more than double, I proved to him that if I should abandon the squadron under these circumstances, the English admiral would be the most pusillanimous of men if he did not burn it immediately upon our departure, and afterwards attack our communications on the different bays which separate the continent from Long Island and the island of New York, supposing that we had effected a descent on them.

I wrote to General Washington at the same time, in English; I expressed my satisfaction at the letters which I had received from him, and requested that all correspondence on business might be direct between us: I at the same time renewed my request for a conference.

I ought however, to mention, in justification of La Fayette, that he conveyed in substance, the sentiments of General Washington, who availed himself of his youth and ardour to express them with greater energy. This commander, in fact, thought at that time, and not without some foundation, considering the total discredit of the finances of congress, that this campaign was the last effort of expiring patriotism. He was desirous at any rate of hazarding an attack on the stronghold of the enemy, while he could count upon the assistance of the French troops. He felt, however, the difficulty of it, and acquiesced in all the reasonings of my letter. From the moment that our corres-

pondence became direct, I was uniformly pleased with the solidity of his judgment and the amenity of his style.

At length, in the beginning of September we had news of the squadron of M. de Guichen, who had appeared on the southern coast of America. After having gained several battles in the West Indies, he undertook a large convoy for France. The chevalier de Ternay, when he found himself blockaded by a superior force, had required of him a reinforcement of four sail of the line. The letter did not arrive at cape François until after the departure of M. de Guichen: it was delivered to M. de Monteil who could not decypher it, and who, besides, had engaged in an expedition against Pensacola in conjunction with the Spaniards.

We received, in the beginning of September, very unfavourable accounts from the southern states. Lord Cornwallis had advanced as far as Camden where he was met by General Gates: the latter was beaten, and the American army put completely to the rout. Cabb, a French officer, was killed at the head of an American division which sustained the whole weight of the day; General Gates retired with the remnant of his army as far as Hillsborough, in North Carolina.

In the mean time, on the news of the approach of M. de Guichen, I at length obtained the desired meeting from General Washington to determine upon the operations which our expected maritime superiority might warrant; it took place at Hartford on the 20th September; we there agreed upon all our movements, in the event of the arrival of the second division, or of an increase of naval force brought or sent by M. de Guichen. But these appearances soon vanished upon the arrival of admiral Rodney's fleet at New York, which tripled the English force. We hastened the conclusion of our conference, the French generals wishing to be at their posts where they were wanted. We found, however, that the baron de Viomenil had made every proper arrangement to secure the anchorage of the squadron against this new peril. General Washington was also in haste to join his army, where his presence became very necessary. * * * * * *

I shall venture to interrupt here the regular narrative, in order to relate an anecdote fitted to exemplify the character of the good republicans of Connecticut. In going to this conference, the carriage which conveyed admiral the chevalier de Ternay and myself, broke down. I sent Fersen, my first aide-de-camp, in search of a wheelright who resided at the distance of a mile from the place where the accident happened. Fersen returned to inform me, that he had found a man sick of a quartan fever, who had answered him that his hat full of guineas would not tempt him to work in the night. I requested the admiral to go

with me that we might entreat him together. We told him that General Washington was to arrive that evening at Hartford, for the purpose of conferring with us the next day, and that the object would be defeated, unless he mended our vehicle. "You are no liars," said he: "I have read in the newspaper that Washington is to be there this evening to confer with you: I see this is a public matter; your carriage shall be ready by six o'clock in the morning." And so it was. On our return from the conference at Hartford, one of our wheels gave way nearly on the same spot, and at the same hour; and we were obliged to have recourse to our old friend. "What," said he, "do you want me to work again in the night?" "Alas, yes," was my reply, "admiral Rodney is arrived and has tripled the enemy's naval force, and we must get back with all speed to Rhode Island, in order to be ready for his attacks." "But," rejoined the wheelright, "what are you going to do with your six ships against twenty English ships?" It will be a fine day for us, if they attempt to destroy us at our anchorage.—"Come," said he, "you are clever fellows; you shall have your carriage at five o'clock in the morning; but, before I begin to work, tell me, if there is no harm in the question, are you pleased with Washington, and is he so with you?" We assured him that this was the case. His patriotic feelings were gratified, and he was again as good as his word. Such was the public spirit which animated not only this worthy mechanic, but almost all the inhabitants of the interior, and particularly the freeholders of Connecticut.

It was at this period that the treason of Arnold happened: he had been negociating for nearly a month with André, aide-de-camp to General Clinton, to deliver the fortress of West-Point, an American depôt on the river Hudson, which contained all their munitions; he intended to take advantage of Washington's absence to execute his treason. That General, who esteemed his military talents, had given him this confidential command, and intended to visit him and the post the very day on which André was arrested by a patrol of militia, who were the more active as they wished to secure the return of their general to the army. They suspected André, whom they found disguised on the road from West-Point to New York. They arrested him, and found in his shoes the whole plan of the conspiracy. He offered a purse to these militia-men who refused it, and conducted him to head-quarters. General Washington arrived at the same time at West-Point—Arnold had been immediately informed of the detention of André; he threw himself into a boat, and rowed to an English frigate which he knew to be stationed below King's Ferry. General Washington found him gone, and Mrs. Arnold not knowing what had become of

her husband; but letters which he received from his army soon made him acquainted with the treachery. He gave orders for the safety of the place, and immediately repaired to his head-quarters. Every body is acquainted with the trial and the tragic end of the young André, who deserved a better fate, and who was lamented even by his judges. The rigour of the laws, and the necessity of making an example, forced them to condemn him.

On my return from the conference I was principally occupied with the care of placing my troops in winter-quarters in a country of liberty, in which every individual considers his property as so sacred that the army of General Washington had always remained in tents during the summer, and during winter in barracks constructed by themselves in the midst of the forests. This plan was impracticable for us in Rhode Island, where the English during the three years that they occupied it, had burnt for fuel every tree on the island. * * * * * *

The state of Rhode Island acquiesced readily in a plan which I suggested, of our repairing at the expense of our military chest, the houses which the British had injured, and converting them into barracks for the soldiery, while the inhabitants should undertake to lodge the officers. All was managed with perfect harmony and admirable discipline on our part. We had frequent deputations of Indians to our quarters, who expressed astonishment at nothing but to see still laden with fruit, the apple trees that overhung the tents which the soldiers had occupied for three months. One of the chiefs of these savages put a question to me, at a public audience, which surprised me not a little. Father, said he, is it not strange that the king of France, our father, sends his troops to help the Americans in an insurrection against the king of England, their father? I answered, that the king of France, his father, protected the natural liberty which God had given to man, and which the English king would take away from the Americans. It was thus that I got rid, indifferently well, of a remark which was of a perplexing nature.

Admiral Rodney departed again for the West Indies in the course of November, leaving a squadron of twelve sail of the line under admiral Arburthnot, who fixed his anchoring ground for the whole winter, in Gardner's bay, at the extremity of Long Island, that he might not lose sight of the French squadron; while he sent ships of fifty guns and a considerable number of frigates to cruize off the different ports of America. It must be acknowledged, that, during the whole time in which he kept his fleet together for the purpose of attacking the French, the commerce of the Americans at the ports of Philadelphia and Boston was very brisk; that their privateers made a great many prizes; and that the union of their fleet opposite to Rhode

Island was a great relief to the other ports on so extensive a coast.

Lord Cornwallis after his victory at Camden, pursued the American army into North Carolina; but the want of provisions and the protection necessary for his convoys, compelled him to send off strong detachments. One of these corps, under the command of Major Ferguson, was attacked by several bands of American militia who beat him completely, and killed or took twelve hundred men. This check obliged Lord Cornwallis to fall back on Camden. General Clinton had sent off towards the end of October, a detachment of three thousand men, under the command of Brigadier-general Lesley, who had landed at Portsmouth in the Chesapeake bay, with the view of acting there in concert with Lord Cornwallis; he was directed by the latter to re-embark and proceed to reinforce him in South Carolina. These men were replaced at New York by three thousand troops who arrived from Ireland. General Greene quitted the army of Washington at this epoch, by order of congress, in order to succeed General Gates in the command of the southern army. * * * * * *

In the beginning of November, our troops took possession of the quarters which had been prepared for them. We were compelled, by the dearth of provisions, to separate the cavalry from the legion of Lauzun, and send them, with the artillery horses, to occupy the barracks which the state of Connecticut had constructed at Banora for its militia. The duke de Lauzun-Biron, who took the command at these barracks, rendered himself, by the urbanity of his manners, highly agreeable to the Americans, and succeeded perfectly in whatever business he had to transact either with old governor Trumbull or the members of the legislature. A little anecdote will serve to illustrate the duke's aptitude for social intercourse of every kind. An honest American of the village asked him what trade his father was of in France. My father, answered Lauzun, does nothing, but I have an uncle who is a farrier,—alluding to one of the significations of the word Marechal in his own language.* " Very well," said the American, shaking him cordially and lustily by the hand, " that is a very good trade."

The next year commenced very unfavourably for the American cause. A third part of General Washington's army revolted; the Pennsylvania line, after putting their generals and officers under arrest, marched, with a serjeant at their head, to Philadelphia, to demand their pay from congress. An extraordinary trait of patriotism marked this sedition. General Clinton commanding at New York, sent emissaries to these troops,

* In French, the word *Maréchal* means either a marshal or a farrier. Biron, the uncle of Lauzun, was a marshal of France.

to induce them to join the American refugees whom he had in his army, and offered to pay all their arrears, which were, in fact, but too justly due. The serjeant commanding the line exclaimed—" Comrades,—he takes us for traitors;—we are only " brave soldiers who demand justice from our countrymen;— " but we will never betray our country." He hanged the spies and continued his march. The assembly of Pennsylvania appointed deputies to meet them, who, after a very arduous negociation, succeeded in reclaiming them to their duty.

The mutiny extended itself to the Jersey line; and General Washington found himself obliged to suppress, by an example of severity, a disorder, the spreading of which was so much the more dangerous, as all his army had the same just cause of complaint.

On our side, the French military chest was far from being in a situation to afford assistance to that of the Americans, since we subsisted only from day to day, on loans which were exceedingly onerous. At this period, bills of exchange on France were negociated at Boston and Philadelphia at a loss of forty per cent. The American paper money was not worth the one hundredth part of its nominal value, and was advancing rapidly to annihilation.

It was at the same period that Arnold embarked at New York with two thousand men, to seize a post at Portsmouth in Virginia, whence he could commit depredations on the shores of the Chesapeake without any resistance but from the militia of the country.

These misfortunes following each other rapidly, induced congress to dispatch for France, Colonel Laurens, aide-de-camp to General Washington, and son of the famous Laurens, formerly president of congress, who was then confined in the tower of London. This officer was instructed to represent, in the strongest light to the court of France, the distressed situation of his country. * * * * * *

During the month of February we had news of the defeat of Tarlton by the division of Brigadier-general Morgan. But this check had only irritated Lord Cornwallis, who marched with his whole force in pursuit of Morgan, but could not overtake him before his junction with General Greene. The latter was obliged to fall back to meet his reinforcements on the Roanoke. Having assembled them, he took post at Guilford court-house. Lord Cornwallis attacked him vigorously, and, after a bloody action, succeeded in dislodging him. But the American general yielded only the field of battle, and took up a new position some miles in the rear. Lord Cornwallis having suffered much from a long march, a fierce contest, and want of provisions, was also obliged to retire, towards cape Fear, to a settlement of Scotch royalists, where he hoped to find refreshments

and assistance for his wounded. The conduct of General Greene in this retreat, on the day of battle at Guildford, and after the action, did him great honour, and presaged the high talents which he afterwards displayed.

M. de la Peyrouse, who, with my son had sailed for France on the 28th of October, in order to explain to the French cabinet the state of things in America, and to solicit the necessary succours of men and money, returned to Boston about the end of February. It was by him that we received our first despatches since our departure from France. We learned that my son and he, on their arrival at Versailles, had found M. de Sartine withdrawn from the ministry of the marine; and replaced by M. de Castries; that the minister of war was on the point of sending in his resignation; that the empress-queen had finished her glorious career; that the English, having declared war against the Dutch, and taken them unawares in all their possessions which were unprovided with the means of defence, the councils of France was preparing forces by sea and land to support them; and that, in fine, from all these circumstances, it was impossible to give the proper attention and supply to the exigencies of America. The king, however, gave orders to M. de la Peyrouse to set off immediately in the fastest sailing frigate at Brest, charged with fifteen hundred thousand francs which had been deposited at Brest for six months, waiting the departure of the second division. Colonel Rochambeau was ordered to remain until it should be determined in council, what answer to make to the demands of America.

After the return of our squadron, Arnold was reinforced in Virginia by a detachment of three thousand men from New York, under the command of general Philips. The English squadron remained at New York to repair three ships which had received great injury, in a spirited action which has been fought in the Chesapeake between chevalier Destouches and admiral Graves; and the chevalier Destouches was engaged in refitting the *Conquerant*, which had lost her rudder. La Fayette, who had been detached with a thousand men, by general Washington, continued his march by land to join baron Steuben and the different bodies of militia which the state of Virginia had put in motion.

Our squadron being refitted, the chevalier Destouches was very anxious to undertake an expedition against Penobscot, a fortress in possession of the English, at the northern extremity of the United States. He was pressed to do so, by the merchants of Boston, who were greatly infested by privateers and pirates from that post. General Washington did not approve of this project, and convinced the chevalier Destouches that for an object of very little consequence he would be exposing his squadron in a gulph where, after an unsuccessful engagement, he would have no port of refuge; in fact, two years before, an

expedition from Boston which had attempted this conquest, had been destroyed in Penobscot river. We were also informed that the English squadron was repaired at New York, and reinforced by all the ships of fifty guns which had been cruising on the different stations; so that any enterprize by sea became impossible for the French squadron, on account of the superiority which these reinforcements gave to the enemy who seemed determined to bear with his whole strength upon the southern states. He weakened New York by various detachments, and as our squadron at Rhode Island might now be left in security with a smaller number of troops to protect it, I proposed to General Washington to march to the Hudson, and unite with him opposite to New York, which would enable him to reinforce La Fayette in Virginia, by a detachment from his army.

Two motives, however, dissuaded us from immediately executing this movement; the preparations necessary for our subsistence, and the expectation of whatever succour might arrive with my son, which it would be of importance to receive in the first place, if affairs in the south should not become too urgent. General Washington received these offers with many acknowledgments, but did not think the danger in the south so pressing as to require that they should be executed before these two objects were accomplised. He despatched, however, the Pennsylvania line, under General Wayne, to rejoin La Fayette.

Lord Cornwallis put his troops into quarters, for refreshment, during the months of April and part of May, in the neighbourhood of Cape Fear. General Greene, in the meantime, advanced by Hillsborough towards Camden, in South Carolina, to attack Lord Rawdon, who had remained with a small division to cover that country. He hoped by this movement to oblige Lord Cornwallis to retire. But as by this same manœuvre he left Virginia uncovered, Lord Cornwallis took advantage of it, broke up his quarters; by a rapid march passed the Roanoke at Halifax, and joined Generals Philips and Arnold, at Petersburg, in Virginia.

My son arrived at Boston on the 8th of May, in the frigate Concord, with M. de Barras, who came to succeed the chevalier de Ternay, whom we had lost by sickness. They informed us that they had seen a powerful fleet set sail from Brest, under M. de Grasse; that upon arriving in the latitude of Madrid, part of it was to separate, and proceed under the *Bailli de Suffren*, to relieve the Cape of Good Hope, and reinforce our squadron in the East Indies; that the count de Grasse, after passing to the south of the Azores, was to detach a small convoy, escorted by the *Sagittary*, of six hundred men; the only succour destined at present for North America: the money intended for the navy and the troops, was divided on board the Sagittary, and the frigate which brought out M. de Barras. My despatches

informed me, and a declaration to the same effect was made to congress by his majesty's minister, that various obstacles, among others, an English fleet of superior force which had been cruizing off Brest, had prevented the second division from setting out the year before; but that, not to deprive America of a succour which had been destined for her, and which the French government did not wish to withhold, the council had determined to supply the deficiency in money, and that the sum of six millions was assigned in consequence, which General Washington might appropriate to the wants of the American army. It was mentioned to me confidentially, that the count de Grasse had orders to repair to the American coast in July or August, to extricate the squadron of M. de Barras; and that the latter, in case I should advance into the continent to unite with General Washington, was ordered to proceed to Boston. The port of Rhode Island was considered as unsafe without the co-operation of a land force to protect the anchorage of the squadron. Expeditions too were proposed to me against Penobscot, Newfoundland or Halifax. It was, however, left to my discretion to concert with General Washington, any other operation proportioned to our strength, which could be covered by M. de Grasse, during the very short stay which he was ordered to make in those seas.

The oldest despatches which M. de Barras brought me were from M. de Montbarrey; some more recent were from M. de Ségur, who had succeeded him in the ministry of war; and the last, from M. de Castries, who was at Brest, at the time of the sailing of the expedition. I was informed, in my private letters, that if I had been in France, the king would have appointed me minister of war. I was never ambitious of that place; but I confess that, considering the distressed state in which I was left, and the penury of the means which were furnished to me, this was the only moment of my life in which I coveted it. It was, however, necessary for me to leave my present situation, and do as well as I could for the advantage of both nations.

As soon as I had decyphered my despatches, I proposed a conference with General Washington, which was appointed at Wethersfield, near Hartford, for the 20th of May; the count de Barras could not be present, because at the moment fixed for his departure, the English fleet began to stretch themselves in line before his squadron.

General Washington was accompanied by General Knox, and Brigadier-General Duportail: I had already arrived there with the chevalier de Chatelus. At this meeting, General Washington's favourite project was an enterprize against New York, which he considered the best suited to give a finishing stroke to the English dominion in his country. He knew that the enemy's force in that place was diminished by the different detach-

ments to the south which had been made from it, and he thought, from the information of pilots, that the bar might be passed without lightening. He considered an expedition to the Chesapeake against Lord Cornwallis as a secondary object, to which we should only have recourse when convinced of our inability to execute the first. After some discussion it was at length agreed, that upon the arrival of the recruits and the small convoy of the *Sagittary*, the French army should put itself in motion to join that of the Americans opposite to New York, which we were to approach as near as possible, and then wait for news from M. de Grasse, to whom a frigate was to be despatched.

Immediately after this conference, General Washington wrote to General Sullivan, a member of congress, to inform him of the result. His letters were intercepted. It is thought, and all the gazettes have repeated it, that he spoke of an attack on New York only to deceive the enemy, and intended that this letter should fall into their hands. This great man does not need the help of such fictions to transmit his illustrious name to posterity. He did, in fact, at that time, entertain a desire to attack New York; and we should have executed it, if the enemy had continued to weaken that post, and the French fleet had been in a condition to assist us.

But what served completely to mislead the English general, was a confidential letter written by the chevalier de Chatelus, to the French minister, in which he boasted of his success in inducing me to adopt General Washington's opinion: The siege of the island of New York, he said, was at length determined upon; the two armies were to meet before that place; and we should engage the count de Grasse, to force the pass of Sandy-hook, and the entrance to New York. He complained with bitterness, and in coarse terms, of the little influence which a man of abilities could exercise over the imperious character of a general, who chose always to command. The English officer charged with the procuring of intelligence, sent me a copy of this intercepted letter, certainly not with a view of promoting peace in my household. I summoned the chevalier de Chatelus, showed him the letter, threw it into the fire, and left him to remorse. It will be readily supposed, I did not seek to undeceive him as to the military project; and it will be seen in the sequel of these memoirs, how far that general officer was acquainted with the real scheme which I proposed to the count de Grasse.

I immediately set about my despatches to the count de Grasse, which were to be sent as soon as the *Concord* should be ready for sea. I painted to him the distressed condition of the southern states, and especially Virginia, which had, to oppose to Lord Cornwallis, only the small body of troops under M. de La Fayette, whose chief reliance was his own management, and the nature of the country intersected by rivers. I informed M. de

Grasse, of the particulars of the conference of Wethersfield. I observed to him that he must be better advised than I could be on the possibility of forcing the port of New York, as in circumstances nearly similar, M. d'Estaing, under whose orders he then served, had in vain offered his pilots an enormous sum to induce them to attempt the bar of that port. In fine, I mentioned to him, as my own private choice, an enterprize in the Chesapeake bay, against the army of Lord Cornwallis, which I thought more practicable and less expected by the enemy, who trusted to our distance. I requested him to omit no importunities with the governors of Saint Domingo, for aid, and to borrow for three months, the French brigade, under the command of M. de Saint Simon, which was destined to act with the Spaniards, whom I did not think able to make use of them during this campaign. I wished him also to borrow twelve hundred thousand francs in our colonies to insure the success of the operation. I concluded by requesting him to send back the frigate immediately, that upon receiving his answer, I might concert with General Washington our march by land, so as to join him at a given point in the Chesapeake bay.

General Washington received at the time of the meeting at Wethersfield, a packet of despatches from Lord George Germaine, to General Clinton, dated the 7th February, and 7th of March, which were not written in cypher, and had been intercepted by an American privateer. They threw much light upon the projects of the English for the campaign; the object of which was, nothing less than the conquest of the southern states, and the confinement of General Washington to the country north of the Hudson. The English minister spoke with the utmost contempt of the American forces, and declared to General Clinton, that having, according to his own account, in English pay, more American royalists than there were rebels in Washington's army, it was very extraordinary that he should suffer this rebellion to continue so long. He made no other mention of the French corps than to assure the English general, that no preparations were making in France for the departure of the second division, and that the first would be fully occupied in protecting the squadron at Newport. He did not fail to suggest the discredit into which the finances of congress had fallen; and on this subject he was so far correct, that at the time of the meeting at Wethersfield, the paper money, after having depreciated to a thousand for one, was entirely annulled by a resolution of congress.

General Greene, in advancing against Camden, had been repulsed by Lord Rawdon, in a sortie about the end of April; but the American General Marion, had reduced fort Watson in the enemy's line of communication, and General Greene still acted on the offensive in South Carolina. The state of things in Vir-

ginia, was very different. Lord Cornwallis after having collected his forces, which amounted to eight thousand men, pressed close upon the marquis de La Fayette, who was forced to retreat from one river to another, till he should be joined by General Wayne, who was advancing to his assistance with the Pennsylvania line.

After holding a council of war in which it was determined to leave the squadron at Rhode Island, I embarked with the army for Providence, to await there our recruits, which I expected every day under escort of the Sagittary, or to march without them, if the news from the south became more unfavourable. At length we received both the money and recruits, which arrived in safety, although a part of the convoy had been dispersed. Leaving the greater portion to form the detachment of M. de Choisy, necessary for the protection of the ships, the French army was in motion towards the Hudson on the 18th June, to join that of General Washington. On the way, we received news of General Greene's success against Lord Rawdon's line of communication, which forced the latter to quit Camden, and retreat towards Charleston. The news from Virginia continued very unfavourable, which served only to hasten the march of the French corps. General Washington having received information that the enemy was dispersed in several camps, and that he had sent a strong detachment to the Jerseys, thought he might take advantage of his absence, to carry fort Washington, on the island of New York, by a coup-de-main. He marched with his whole army on the first of July, to support General Lincoln, to whom he had given his advanced guard to make the attempt. He wrote to me to beg that I would hasten my march with the corps of Lauzun, and the first half brigade, so as to effect our junction if it should be necessary. General Lincoln fell in with a strong detachment of the enemy which had left New York in the morning, to forage; he retired in good order upon the column of General Washington, who stopped the enemy, at the same time that the cavalry of Lauzun threatened his flank. This detachment returned precipitately to New York, and the loss was trifling on both sides.

The celerity of our march and our discipline gave great pleasure to our allies. The two armies united at the camp of Philippsburg, at the distance of three leagues from King's bridge, the first post of the enemy on the island of New York. This movement produced all the effect which could be expected from it. It kept General Clinton at New York, when we knew by the despatches already mentioned, that he had orders to embark with a body of troops and proceed by the way of Maryland, Pennsylvania, and the Jerseys, to confine General Washington to the east of the Hudson. It contributed to the retreat of Lord Cornwallis from the point to which he had advanced in

Virginia, and compelled him to proceed towards the Chesapeake, and fortify himself in a permanent post, in obedience to the same instructions. A few days after our junction, we heard that Lord Cornwallis had retreated to Richmond, and thence to Williamsburg, at the distance of four leagues from York.

We learned at the same time, that three thousand recruits had arrived at Charleston from Cork, and that a similar reinforcement was expected at New York, with the garrison of Pensacola which the Spaniards had sent back. Washington's division and mine amounted to but nine thousand men; they began, however, to disconcert the measures of the enemy.

Meanwhile, Lord Cornwallis continued his retreat. La Fayette followed him cautiously; he had given the command of his advanced guard to General Wayne, a brave man, but of an ardent character, who at first obtained some advantages over the rear guard of Cornwallis; but in a second attempt was repulsed with the loss of his cannon. Lord Cornwallis descended James river to Portsmouth, whence, after reconnoitering this post which did not suit him, he ascended York river, and established himself at York and Gloucester, on the right and left banks of this river, which served him for a port where the largest vessels might anchor in safety.

The three thousand English recruits expected at New York, arrived there the 11th of August; which, with the garrison of Pensacola, raised the force of the enemy in that island to upwards of twelve thousand men, notwithstanding the detachments which had been sent to the south.

Matters were in this situation when the count de Grasse, after an unimportant campaign in the West Indies, where he had only taken the island of Tobago, arrived at Saint Domingo: he found there the frigate with my despatches; he communicated them immediately to the Spanish commandant in Saint Domingo, and to M. de Solano, the Spanish admiral, who approved of my plan against the army of Cornwallis. They contributed to it to the utmost of their ability; the first by lending us for three months, the three thousand men under M. de Saint Simon; and the second, by procuring for M. de Grasse at the Havanna, the twelve hundred thousand francs of which we were in need for this operation. M. de Grasse sent the frigate back immediately, and on the 5th of August I received his answer, in which he informed me, that he should be in the Chesapeake by the end of August, with all the succours which I had demanded. He added, that he should not remain longer than till the 15th of October, but he protracted the term until the completion of this important undertaking.

As soon as I had communicated this answer to General Washington, I concerted with M. de Barras the means of effecting his junction with M. de Grasse, and of transporting the

artillery for the siege, with the detachment of M. de Choisy. At the same time General Washington prevailed upon two thousand men from the northern states to follow him to the south to join the troops of La Fayette. A hundred thousand crowns remaining in the French military chest were divided between the two armies.

They were in motion on the 19th of August; we marched up the north river for three days, and passed it at King's ferry under the protection of the American forts. General Washington left three thousand men on the other side under the command of General Heath, to protect West-Point and the northern states. We afterwards descended the river on the right bank. We advanced beyond Chatham towards Staten Island, where the French army pretended to establish ovens, and collect provisions destined to serve in an attack on New York, which redoubled the enemy's uneasiness. M. de Villemaury, our commissary, managed this feint to admiration. But turning short to the right, back of the mountains which separate the interior of Jersey from the maritime districts, we led our armies to the Delaware; we were fortunate enough to find the water low and forded the river at Trenton. Until this moment the English General could not be aware of our real design; but it was too late to defeat it, if M. de Grasse should arrive in the Chesapeake at the time he had specified. The two armies continuing their march, passed through Philadelphia, and defiled before the congress. There we learned that admiral Hood had joined admiral Graves before New York, and had made all sail for the Chesapeake. This news was compensated by a report from Baltimore, a town situated at the head of that bay, which announced the arrival of M. de Grasse with twenty six sail of the line. We hastened our march at the head of our respective van-guards; and upon reaching the head of Elk, we found an officer who had arrived an hour before us with despatches from M. de Grasse.

All difficulties were not yet overcome: the English in their different incursions, had so destroyed the American shipping that we could only collect enough to embark two thousand men. This was scarcely sufficient for conveying the advanced guards of grenadiers and chasseurs of the two armies. The two *Viomenils* continued the march by land with the army, passing around the bay to Baltimore and Annapolis; General Washington and myself pushed on with a small escort, and having made forced marches of sixty miles a day, we arrived on the 14th of September at Williamsburg, where we found the divisions of La Fayette and Saint Simon united and waiting for us in a good position. Lord Cornwallis was busily entrenching himself at Gloucester and York. He barred the river by sink-

ing vessels in the channel and mooring others within the protection of his works.

There was much uneasiness excited at Williamsburg by the appearance of the enemy's fleet, by a heavy cannonade which had been heard on the 5th of September, and by the subsequent appearance of two English frigates in the bay. At length, however, in the night of the 14th and 15th, we received a letter from M. de Grasse, which informed us that an English fleet of twenty sail had appeared off Cape Charles on the 5th; that although he had fifteen hundred sailors employed in landing the troops of M. de Saint Simon, he immediately cut his cables and went out with twenty-four ships to meet the enemy; that Graves having the wind, the advanced guard only, under M. de Bougainville, had closed with the English squadron which was very roughly handled; that he, M. de Grasse, had continued in pursuit for some time; that upon returning to the bay, he had found there the squadron of M. de Barras; that this admiral having left Newport with our artillery for the siege, had arrived in the bay on the 10th; that he had met with and taken the two English frigates; that he had immediately despatched the ten transports of M. de Barras, those two frigates, and his other prizes, under M. de La Villebrune, to bring the troops from Annapolis. This officer having joined Viomênil, by their united exertions, they arrived at James-town on the 25th, and the armies landed on the 26th and 27th.

The 28th of September we left Williamsburg at break of day, and advanced towards York. I commenced the investment with the French troops, beginning some distance up York river, and passing down to the marsh near Colonel Nelson's house, availing myself of the woods and swamps to enclose the enemy within pistol-shot of his works. The three French brigades were encamped at a short distance, but sheltered by the heights from the enemy's cannon. Viomenil commanded the grenadiers and chasseurs of the advanced guard; and the investment was effected without the loss of a man. On the same day, General Washington, at the head of an American corps, was obliged to retire behind us, and to halt at the morass, all the bridges over which had been broken; he employed the rest of the day and the night in refitting them. On the 29th, the American army passed the morass, on which it rested its left, with its right on the river. The investment of the place was now complete, and as close as possible. The infantry of Lauzun having landed under its Colonel, joined his cavalry which I had directed to move by Tarr on the road to Gloucester, under Brigadier-general Voueden, who commanded there a body of American militia. The whole of this legion was reassembled on the 28th, the day on which York was invested.

On the night of the 29th and 30th, the enemy dreading a

coup-de-main on the extensive position which he had fortified, abandoned the entrenched camp at Pigeon's-hill, and retired within his enclosure. The 30th we were employed in fixing ourselves in the works abandoned by the enemy; which enabled us to enclose him in a narrower circle, and gave us great advantages.

On the same day, we sent M. de Choisy to request of M. de Grasse a detachment from his squadron, to reinforce M. de Lauzun in Gloucester county; M. de Grasse gave him eight hundred men. He marched forward to take a position nearer to Gloucester. He overtook Tarleton on the route with four hundred cavalry and two hundred infantry on a foraging party. The legion of Lauzun, supported by a body of American militia, attacked him so vigorously that they beat him, and forced the detachment to retire into the fort with some loss. After this action M. de Choisy pushed his advanced posts to within a mile of Gloucester.

The trenches were opened by two attacks above and below York, on the night of the 6th of October. That on the right was of six or seven hundred fathoms front, and flanked by four redoubts. It was completed without any loss, because we made the left commence the work, which, although the attack on this side was a feint, drew all the attention of the enemy. The strength of the army enclosed, and the character of the man who commanded it, obliged us to conduct these attacks with a great deal of method and precaution. The American army had charge of the right of the trenches, and the French of the centre and left.

It is but justice to the Americans to declare, that they conducted themselves with a zeal, a courage, and an emulation which prevented them from being at any moment behind-hand in their part of the duty, although they were quite unacquainted with the operations of a siege.

We set fire to an enemy's ship of war by our batteries, and to three transports, which had anchored with a view of acting on our rear.

In the night of the 14th, the soldiers on duty in the trenches having been relieved by the regiments of *Gatinois* and of *Royal-Deux-Ponts* under the Baron de Viomenil, we resolved to attack the two redoubts on the enemy's left. General Washington entrusted to La Fayette the attack on the right, and I committed that on the left to M. de Viomenil. Four hundred grenadiers led this assault under *M. de Deux-Ponts* and *M. de l'Estrapade*, Lieutenant-colonel of the regiment of Gatinois. M. de Viomenil and La Fayette, made so vigorous an attack that the redoubts were carried at the same moment, sword in hand. We killed, wounded, or took the greater part of the troops which defended them. The lodgment was made by

opening a communication between these redoubts and the right of our second parallel. Their situation furnished us with the opportunity of establishing new batteries which completely enveloped the army of Cornwallis, and enabled us to batter the whole interior of his defences at such a distance as could not but be very effectual. Count de Deux Ponts, Charles de Lameth, and M. de Gimet aide-de-camp to La Fayette were wounded.

On the night of the 15th, the enemy made a sortie with six hundred chosen troops; he met with resistance at all our redoubts, but took possession of a battery in the second parallel, where he spiked four cannon. The chevalier de Chatelus marched up with his reserve, and repulsed this sortie. The four pieces badly spiked, were ready to be fired again within six hours, by the exertions of General *d'Abeville* commanding our artillery. The Marquis de Saint Simon was wounded at the trench the next day, but went through his twenty-four hours without suffering himself to be relieved.

At length, on the 17th, the enemy opened a parley, and the capitulation was signed on the 19th of October, by which Lord Cornwallis and his army became prisoners of war. At noon, the Americans and French took possession of two bastions. The garrison defiled at two o'clock, between the two armies, with drums beating, and carrying their arms which they afterwards stacked, with about twenty stand of colours. Lord Cornwallis being sick, General O'Hara marched out at the head of the garrison. On reaching us, he presented his sword to me; I showed him General Washington, opposite to me, at the head of the American army, and told him, that the French army being but an auxiliary in the war, he was to receive his orders from the American General.

Colonel Laurens, the viscount de Noailles, and M. de Granchain, had been appointed by their respective commanders, to prepare the articles of capitulation with the superior officers of Cornwallis' army. It was signed by General Washington, myself, and M. de Barras, on the part of the Count de Grasse, and immediately put in execution. We found eight thousand men, of whom seven thousand were regular troops, and one thousand sailors, two hundred and forty pieces of cannon, seventy-five of which were cast, and twenty-two colours. Among the prisoners may be reckoned two thousand who were in the hospitals, of whom the greatest care was taken. The rest were sent into the interior.

I despatched the duke de Lauzun and count de Deux Ponts, in two frigates to carry the capitulation to France; and Mr. Tilghman, aide-de-camp to General Washington, was sent by him to congress.

This affair was hardly over, when the English squadron of twenty-seven sail, appeared off Cape Henry, on the 27th of Oc-

tober; it had on board a body of troops under General Clinton. After having ascertained that the succour was too late, it put to sea again; and the fleet of M. de Grasse, sailed for the West Indies on the 4th of November. He sent back to Saint Domingo, the body of troops which he had borrowed from the governor, and left at York a light squadron, of which the frigate Romulus was the largest vessel, under M. de la Villebrune. General Washington returned to his head-quarters on the river Hudson, opposite to New York, with the detachment from the northern states. He sent the troops which had been under the command of M. de la Fayette, to reinforce General Greene in the south. The French remained at York, Gloucester, Hampton, and Williamsburg, where they took up the quarters which the enemy had expected to occupy, and rebuilt the houses destroyed during the siege.

The congress, as soon as they heard of the surrender of Cornwallis, passed a resolution, to have a marble column erected at York, in Virginia, adorned with emblems, commemorating the alliance between the United States and France, with a succinct account of the surrender of the army of Cornwallis to Generals Washington, Rochambeau, and De Grasse. They voted also to present two colours to General Washington, and four pieces of cannon, taken from the English army, to count de Rochambeau and count de Grasse, with an inscription declaring the gratitude of the United States, for the glorious part which they had acted in this brilliant expedition.

General Greene obtained new successes in the south: he descended from the mountains of the Santee, passed the Wateree and Congaree, marched to Dorchester, and forced the enemy to abandon all the posts which he had in the open country, and to retire within the lines of Charleston. The English, at the end of this campaign, which had commenced so unfavourably for the Americans, held nothing on the continent of North America, but Charleston, Savannah, and the islands of New York. All these successes contributed not a little to the overthrow of the English ministry, when the news of the capture of Cornwallis reached Europe, and induced Parliament to relinquish all offensive operations on the continent of America. * * * * *

During the month of May, 1782, we were informed of the defeat of the count de Grasse, by a published account of admiral Rodney, which the English at New York took good care to circulate. This was the more important, as congress, and the assemblies of several of the states, were convoked to determine whether they should listen to the proposals of General Carleton, who had succeeded Sir Henry Clinton in the command of the English army. He proposed to the United States, in the name of his government, the acknowledgment of their independence, without restriction, provided they would renounce the

alliance which they had contracted with France. The congress refused to receive Carleton's secretary, who came with these offers; and the state of Maryland published a resolution, denouncing as an enemy to the state, whoever should propose to treat without the concurrence of France; accompanying this proclamation with declarations of the gratitude which they owed her. This example was followed by the general assembly of Virginia, and afterwards by all the other states, at the usual times of holding their assemblies. The English general having, at the same time, despatched a body of troops from Charleston to Jamaica, proposed a suspension of hostilities to General Greene, who as well as the legislature of South Carolina, refused it. The chevalier de la Luzerne, sent accounts of all these transactions to France, by the chevalier Clouard. They confirmed the good opinion which had been entertained there of the firmness of the Americans, and of their gratitude towards their ally.

The chevalier de la Luzerne, had succeeded M. Gérard, as minister plenipotentiary in America. His frank and conciliating manners, gained the esteem and confidence of the Americans to such a degree, that although he was apparently unwilling to take any part in their internal affairs, yet there were few matters of consequence in which he was not consulted.

The unhealthiness of the season in Virginia, began to cause much sickness in the army: the chevalier de la Luzerne, received letters at this time from M. de Vaudreuil, who, after the capture of M. de Grasse, had succeeded to the command of the fleet. This admiral requested him to make preparations for refitting it at Boston. We were also informed, that a body of troops was about embarking at New York, which was supposed to be destined against some of the French colonies. These circumstances induced me to put the French army in motion, to bring it nearer to New York. I requested a conference at Philadelphia with General Washington. It was there resolved, that the two armies should unite on the Hudson, should approach as near as possible to New York, to threaten the place, and prevent it from sending out any detachment against our colonies. During this time the army under the chevalier de Chatelus, and the chevalier de Viomenil, marched during the night, and reposed in the daytime. Through the judicious precautions of these generals, it arrived in health and safety at Baltimore, where it was joined by a detachment under M. de la Vallette, whom I had left at York and Gloucester, to demolish the fortifications, after removing the artillery. Although these troops had been conveyed up the bay by the little squadron of M. de la Villebrune, while the rest of the army was proceeding slowly by land; yet from the commander to the lowest soldier, they arrived every man sick.

During the stay which the army was obliged to make at Bal-

timore, to recruit the sick, and to allow the great summer-heats to pass by, we were informed of the evacuation of Savannah in Georgia; a part of the garrison had returned to New York, and the rest was sent to Charleston, from which place also the enemy was preparing to withdraw his magazines. I received at the same time a letter from M. de Vaudreuil, who was on his way to Boston, with the remains of the fleet of M. de Grasse, requesting the assistance necessary for his protection, while refitting. He had detached M. de la Peyrouse, towards Hudson's bay, who destroyed all the British establishments there. I sent M. de Choisy, to command his land forces, and the officers of artillery and engineers whom he wanted.

General Carleton made another attempt to obtain a truce; he announced the absolute and unqualified acknowledgment of the independence of America, which had passed the two houses of the English parliament, and the prospect of preliminaries of peace being signed immediately. At the same time however, we heard of the arrival at New York, of admiral Pigott, who had succeeded Rodney in the command of the enemy's fleet, and of the preparations which were making to embark troops for the French islands. This last piece of news determined the speedy march of the French army, in order to effect a junction with that of Washington, and to present our united force before the place. This march was made in the same order and by the same road which we had taken the year before. The junction was effected at King's ferry, on the North river.

General Washington wishing to testify his respect and gratitude to France, made us pass between two lines of his soldiers dressed, equipped and armed completely, for the first time since the revolution, partly with clothes and arms sent from France, and partly from the English magazines taken with the garrison of Cornwallis, which the French army had relinquished to that of the Amercans. He made his drums beat the French march during the whole of this review, and the two armies met each other with marks of the greatest reciprocal satisfaction.

The council in France had directed that if the enemy should evacuate New York and Charleston, or either of those places, General Rochambeau should embark his army for Saint Domingo under the orders of a general officer, to be delivered over to M. de Galves, a Spanish lieutenant-general, who commanded the troops of the two nations, intended for a combined operation. All our information stated the immediate evacuation of Charleston; and the march of the French army from Virginia to the North River rendered it easy to execute the orders of the council. I communicated my instructions to M. de Vaudreuil, and informed him that I was ready to lead the army to Boston, whenever he should be ready to take it on board. M. de Vaudreuil answered, that his squadron could not be prepared before the end

of November, and that he could not transport more than four thousand men, comprising the officers and their suite. I proposed to the baron de Viomenil, and his brother, to take charge of the two brigades of infantry, and a part of the artillery, and conduct them to their destination. I left the corps of Lauzun, with the heavy artillery which was still at Baltimore, and I confided to the Duke de Lauzun, the command of that part of the French troops which remained in America, subject to the orders of General Washington.

At the period of the march of the French troops from Crampond, there happened between me and an American captain of militia, whose habitation I occupied as quarters, an affair, pleasantly characteristic of republican freedom. He came to ask from me, on the evening before the departure of the troops, a sum of fifteen thousand francs, (three thousand dollars) for wood which the brigade of Soissonnois had burnt on his property. I found the demand exorbitant, and referred him to the commissary Villemanzy, who was charged with the settlement of all accounts for articles consumed by the army throughout the camp. At the moment of beginning the march, the next day, when the roll had been beaten, and the troops were under arms, a man approached me with a very complaisant air, and told me that he was not ignorant of the services which I had rendered his country, that he respected me greatly, but that he was obliged to do his duty. He then served me with a paper, and afterwards laid his hand gently on my shoulder, telling me at the same time, that I was his prisoner. Well, sir, said I, laughing, take me away if you can. Not so, your excellency, answered the sheriff; but I beg of you, now that I have performed my duty, to let *me* go off unmolested. I sent the commissary Villemanzy, to the house of the American captain, and he found him in a crowd of his countrymen, who were all upbraiding him in the sharpest terms, for his proceeding. The commissary agreed with him to submit the matter to arbitration; and the result was, that the captain had to pay the costs, and to content himself with two thousnd, instead of fifteen thousand francs.

The army on its march passed through the whole of Connecticut. Governor Trumbull, and his council, issued a proclamation, requesting their fellow-citizens not to raise the price of provisions during our passage, and the inhabitants seconded his views with so much generosity, that every mess of soldiers obtained at a very low price, in addition to their ordinary rations, all kinds of provisions. The army arrived at Providence, where it was detained by some new accident happening to the squadron of M. de Vaudreuil, and remained in barracks during the rest of November.

I have not mentioned the multitude of addresses from all the towns and general assemblies of the states of America, present-

ed to me, containing uniformly, the warmest acknowledgment of their obligations to France. I will cite but one of these addresses. A deputation from the Quakers of Philadelphia, waited on me, in all the simplicity of their costume. "General," said the oldest of them to me, "it is not on account of thy mi-"litary qualities that we make thee this visit—those we hold in "little esteem; but thou art the friend of mankind, and thy army "conducts itself with the utmost order and discipline. It is this "which induces us to tender thee our respects."

At length, the army embarked at Boston, early in December, with the universal benedictions of our allies throughout the Thirteen States. I may mention as a proof of the wonderful discipline of this army, that during the course of three campaigns, there was not a blow nor a quarrel between a French and an American soldier.

I was obliged to return with the chevalier de Chatelus, M. de Belleville, M. de Choisy, all the staff and our respective aides-de-camp, to meet the frigate which I had selected to convey us to France. It was in the Chesapeake bay, as I had not chosen to deprive M. de Vaudreuil of any of his vessels, in which he was obliged to crowd all that he could embark of the army.

In returning to Virginia, we passed by New Windsor, where General Washington was. It was there that we took an affectionate farewell, and that I received from the American army, as did all the officers who accompanied me, the sincerest assurances of perpetual remembrance.

FRAGMENT

ON

SPANISH LITERATURE,

Translated from the French of SISMONDI;

By JOHN S. SMITH, Esq.

THE number of Spanish writers is very considerable, and their fertility is astonishing. The Spaniards have alone, for example, more theatrical pieces than all other nations together; and it would not be right to form an opinion of them from specimens selected at hazard; the less so, as the very peculiar taste of this nation augments the difficulty of knowing it well. The literature with which we have been occupied, and that which we reserve for another time, are European; the Spanish is oriental. Its genius, its pomp. and the end which it has in view, belong to another sphere of ideas, to another world. We must enter completely into its spirit before we pretend to judge it; and nothing would be more unjust than to measure by our poetry, which the Spaniards do not know or do not esteem, works composed under a system altogether different from ours.

On the other hand, Spanish literature promises a remuneration proportionate to the labour which it exacts. This brave and chivalric nation, whose pride and dignity have become proverbial, is pourtrayed in its literature; and we shall derive pleasure from finding in it, features which correspond with the part played by the Spaniards in Europe. The same people who set a barrier to the invasion of the Saracens, who maintained during five centuries, their political and religious liberty, who, when they lost both under Charles V. and his successors, seemed desirous of burying Europe and the New World, under the ruins of their constitution, have also manifested in their literature, their strength and richness of imagination, their nobleness and elevation of character. We perceive in their first poetry the heroism of their ancient knights; we recognize the magnificence of the court of Charles V in the poets of the happiest period of his reign; then the same men who conducted the armies from victory to victory, held also the first rank in letters. Even in the universal decline, we still remark the Spanish grandeur; the poets of the last age were crushed under the weight of their own riches, and sunk by the efforts they made to surpass all the others and even themselves. * * * * * *

At the subversion of the West in the reign of Honorius, Spain was invaded, about the year 409, by the Suevi, the Alani, the Vandals, and Visigoths. This country, which, during almost six centuries, had been subjected to the Romans, and which had completely

adopted their language and civilization, experienced from that time, by the mixture of the conquerors with the vanquished, that revolution of morals, opinions, military spirit, and language, which we have already observed in the other provinces of the empire, and which was destined to give birth to the *Romanesque* nations. Among the conquerors the Visigoths were the most numerous, and this was a happiness for Spain, since, of all the people of the North, the Goths, as well Eastern as Western, were by much the most enlightened, the most just, and those who extended the best protection to the vanquished people, whilst they established the wisest legislation over their conquests. The Alani were brought into subjection by the Visigoths, ten years after their entry into Spain: ten years later, the Vandals passed over to Africa to found there a warlike monarchy destined to revenge Carthage and to sack Rome. In fine, the Suevi who still preserved their independence during a century and a half, were in their turn subjected in 585. The dominion of the Visigoths thus stretched over all Spain, except some maritime cities, which remained in the power of the Greeks of Constantinople, who, from that time, acquired by their commerce great riches, and a large population. The ancient Roman subjects, raised by the Visigoths to a level with their conquerors, formed by a similar education, called to the same employments, and professing the same religion, were soon entirely confounded with them. When, in 710, Spain was invaded by the Mussulmen, all the Christians who inhabited it, formed but one people.

The Spaniards do not doubt but that their language was formed during the three hundred years of the dominion of the Visigoths. It is evidently a mixture of the German with the Latin, and of a contraction of the latter. It was, it is true, enriched afterwards by the Arabian with a great number of words, which, in the midst of a *Romanesque* tongue, preserve a character altogether foreign. The Arabian without doubt, influenced also the pronunciation, but changed not the genius of the language. Although the Spanish and Italian have a common origin, yet there is a marked difference between them; the syllables lopped off in the contraction of words and those retained are not the same; so that words growing out of the same Latin origin have no longer any resemblance. The Spanish more sonorous, more accentuated, more aspirated, has something more dignified, more firm and more imposing; on the other hand, this language being less improved by philosophers and orators, than the Italian, has less pliancy and less precision; in its grandeur it is not always clear, and its pomp is not exempt from bombast. In spite of these variances, the two languages can be recognized as sisters, and the transit from one to the other is easy.

Civil liberty was as perfect in Spain as any political constitution will admit; the nation seemed to have given itself kings for the purpose of better circumscribing the authority which it was compelled to yield. It was desirous of finding in them, good commanders, judges of the field of honour, and models of a gallant noblesse; but its eyes were ever opened to the extension which these kings might give to their prerogative; and in consequence judges were placed over them in ordinary times;—the legal forms of resistance to the

abuse of power were regulated beforehand, and in the calm of peace; all orders were admitted to an equal representation in the diet, and every Spaniard was imbued with the sentiment of the dignity of the citizen, and of the nobleness of the Visigoth blood. That court, that noblesse and that equality of rank, have maintained in the habits, language, and literature of the Spaniards, an elegance, a tone of good society, a courtly air, an aristocracy of spirit, which the Italians lost very early, because their liberty was altogether vulgar.

A profound sentiment of political liberty cannot admit of religious servitude; thus the Spaniards preserved, until the reign of Charles V. an entire independence on that Roman church, of which they became the most timid slaves, so soon as their political constitution was overturned. This religious independence of the Spaniards has never been remarked, because the writers of the nation would now blush at it, and would rather endeavour to conceal it, whilst those of all other people judge of the whole Spanish history by the epoch when they were in contact with them.

The Spaniards engaged in every walk of literature, epic and lyric poetry, allegory, history, philosophy, and erudition. They advanced by themselves opening a road adapted to their own taste, and without commingling with foreigners; but they advanced slowly, and until the period when Charles V. reunited under his empire the rich provinces of Italy to Castile, they profited but little of the progress of mind in the other parts of Europe. On the other hand, they boasted of what they had accomplished by themselves; they held in the highest estimation, every thing that they considered national, and thus they preserved in their poetry, a stronger and more original colouring. It was thus that dramatic poetry originated with them, previous to their intercourse with other nations, and being formed on the ancient Castilian taste, according to the morals, the habits, even the caprices of the people for whom it was destined,—it was less regular than that of other nations, much less learned, and much less agreeable to the ingenious analysis which the Greek philosophers had made of the poetic art; but it was much more fitted to excite the Spaniards, more in harmony with their opinions and customs, and more intimately connected with their national pride; in fact, neither the satire of other nations, the criticisms of their own literati, the prizes of their academies, nor the favour of their princes, could ever reclaim them to the system which at this day prevails in the rest of Europe.

This same nation which had a long time wasted its strength against itself; which had employed four hundred years of combats, in driving step by step from their homes, its most industrious inhabitants; which had, at the same time, shed torrents of blood in propping by turns, the sovereigns of Castile and of Aragon, of Navarre and of Portugal, or in restraining them within the limits of their prerogative, and in raising above the throne, the rights of the grandees and people;—this nation, a stranger to Europe, and taking no part in its policy, united herself all at once under a single chief, at the commencement of the sixteenth century. She then turned against foreigners the prodigious means which had, until then, been confined within her own bosom;—she shook, and threatened to overturn the liberty of all Europe;—she lost her own without ever remarking it,

in the midst of her victories;—her character was entirely changed, and at the moment when this phenomenon occupied and alarmed all Europe, her literature, shone forth in its greatest brilliancy.

The power of Spain had already received, in the latter years of the fifteenth century, an increase sufficient to endanger the equilibrium of Europe. Alphonso V. of Aragon, after having conquered the kingdom of Naples, had, it is true, left it to his natural son, and Ferdinand the catholic recovered this kingdom by a signal perfidy, only in 1504. But Sicily, Sardinia, and the Balearian islands were already united to the crown of Aragon, and the marriage of Ferdinand with the queen of Castile, without confounding the two monarchies, gave this ambitious prince the disposal of the armies of all Spain, which he began very soon to use in Italy. The united armies of Ferdinand and Isabella wrested from the Moors the kingdom of Grenada, in 1492. The same year, Christopher Columbus discovered for the crown of Spain, those countries so extensive, so rich, so happily situated, where the Spaniards have found a new home, and whence they, for a long time, drew the treasure by means of which they flattered themselves they would subdue the world.

In fine, in 1512, Ferdinand, as regent of Castile, conquered Navarre; and all that vast peninsula, except Portugal, was subjected to the same dominion. When, in 1516, Charles V. united to this great monarchy the rich and industrious provinces of the Low Countries, his patrimonial inheritance, and in 1519, the imperial authority with the succession of Maximilian in Austria, Hungary, and Bohemia,—this power so new in Europe, so disproportionate to all those which had grown up since Charlemagne, was well fitted to turn the head of a youthful sovereign, and to inspire him with the project of founding a universal monarchy. The lustre of the victories which Charles V. gained, in pursuing this vast design, the respect or fear with which he inspired all the nations of Europe, the glory of the Spanish arms, which he conducted in triumph to Italy, France, Germany, to countries where the Castilian standards had never penetrated, were equally adapted to dazzle the nation and to inspire her with that enthusiasm for him whom she regarded as her hero, which rendered her inattentive to the revolution in her laws and constitution.

But this ambitious dream of the king and people was alike injurious to both. Charles V. in the midst of his victories, and in spite of the extent of his states, was proportionally, both weaker and poorer than Ferdinand and Isabella his immediate predecessors had been. He was arrested in every one of his enterprizes, and deprived of the fruit which he had a right to expect from them, by the want of soldiers and money, wants which his predecessors never experienced. The contributions of Italy, Spain, Flanders, and Germany, joined to the treasures of the New World, did not prevent his troops from being constantly disbanded for the want of pay; the immense and continual levies which he made in all the states in subjection to him, did not secure him a superiority over his enemies in the open field; and however great were the acquisitions which he legally made by inheritance or by forfeiture * to the empire, he never added one pro-

* Par incameration à l'Empire.

vince to his states by the right of conquest, but was, on the contrary, forced to contract his hereditary frontiers on the side of the Turks.

The Spanish nation, the only one of those in subjection to him which he could preserve from foreign invasion, suffered itself as early as the minority of Charles V. to be stripped of a part of its privileges, by cardinal Ximenes. Intoxicated with the victories of its king, it every day abandoned some new right. Those gallant knights who had always fought for the interests of their country alone, and waged war when and how they pleased, made it a point of honour to become the most devoted and obedient soldiers. Fighting incessantly for quarrels of which they knew nothing and in which they had no interest, they resolved all their duties into that of a severe discipline. In the midst of nations whose language they did not understand, and all of whom they held in equal contempt, they signalized themselves by an inflexible severity and a pitiless cruelty. The first of European soldiers, they were nothing but soldiers. Those Spanish bands, those terrible battalions of infantry, presented a front of iron to their enemies, a heart of steel to the unfortunate; it was these whom the prince always selected for a cruel enterprize, very certain that no sympathy would stay them in the execution of the most rigorous orders. They showed themselves ferocious in the wars against the protestants of Germany; ferocious against the catholics, in the pillage of Rome. At the same period, the soldiers of Cortes and Pizarro manifested a cruelty in the New World which at this epoch was the opprobrium of Castilians, and of which, however, no trait had been remarked in all the history of Spain, prior to the reign of Ferdinand and Isabella. Cruelty seemed to have become a characteristic of the Spanish soldier, duplicity and Machiavelism that of the chiefs. The most illustrious men of this period are soiled by deeds of perfidy which cannot be paralleled. The great captain Gonsalvo of Cordova, the marquis of Pescairo, Alphonso d'Avalos, Antonio de Leva, and the most illustrious Castilians, made the breach of faith and the most sacred oaths, a sport; so many accusations of poisonings and assassinations are preferred against them, that even in suspending our belief on each of them, yet does their collected force imprint a deep stain on the memory of these pretended great men.

At the same time, the clergy had gained in power what morals had lost in efficacy; the Inquisition was established in Castile in 1478, by the united authority of Ferdinand and Isabella; it was immediately invested with extraordinary powers for the repression of the Moors, against whom, however, it had not been found necessary to employ such rigour even in the time of their greatness, and who had long ceased to be an object of fear. But Ferdinand, who was the most deceitful of kings, although his zeal for the Inquisition had gained him the name of catholic, took, in fact, no interest in religion. He had shown this warmth in favour of the Inquisition, because he regarded it as a powerful political engine with which he could intimidate the grandees and reduce the people to dependence. It required nearly a generation of men to accustom the Spaniard to the sanguinary proceedings of this tribunal, and to make fanatics of the people. This work of an infernal policy was scarcely accomplished when Charles V. began to reign. The frightful spectacle of the *autos da fé*, was

probably, what gave to the Spanish soldiery the ferocity so striking in all this period, and which was previously so foreign to the national character. The Jews, against whom the people nourished, at all times, a hatred founded on commercial jealousies, were the first victims devoted to the inquisition: they constituted an important part of the population, and were almost extirpated. The Moors were in their turn, given up to it; suffering drove them to revolt, and revolt drew on them new punishments; the ancient tie between the two nations was broken; a bitter hatred took its place, and the inquisition had no repose until after having burnt a part of the Moors, converted another portion, and ruined the greatest number, it prevailed on Philip III., in 1614, to drive from their homes six hundred thousand of these unfortunate people, the feeble remains of a nation at one time so numerous and so powerful. The inquisition at last, turned its redoubtable attention to the Christians themselves; it took care that no error, no disagreement in matters of faith should be introduced into Spain; and at the epoch of the reformation, when every mind was solely occupied with religious controversies, it succeeded in preventing the establishment of any reformed community in Spain, by burning every innovator, as soon as he was discovered. By this terrible example, it diverted all the rest of the nation from every metaphysical idea, from all religious meditations and from every effort of the mind, which might lead to such dangers on this earth, and which were represented as exposing the soul to still more frightful punishment in the life to come.

Thus the reign of Charles V., in spite of all the glory which seems to be attached to it, was as disastrous for Spain as it was for Italy. The Spaniards lost at the same moment, their political and religious liberty; their private and public virtues, humanity and good faith; their commerce, population and agriculture; and in recompence for so many losses, they acquired the glory of camps, and the execration of the people, against whom they carried their arms. But, as we have remarked as to Italy, it is not at the moment when a nation loses all its political advantages, but at least fifty years after, that its elasticity of mind is broken, and its literature declines or perishes altogether. * * * *

Just at the time when the native language of the Aragonese was abandoned for the Castilian, there appeared a man who, under the reign of Charles V., made a complete revolution in Castilian poetry. He was endowed with a grace and delicacy of style, and a richness of imagination, which enabled him to give examples of what he deemed a better taste.

This man was John Boscan Almogaver, born towards the end of the fifteenth century, of a patrician family of Barcelona. He had served in the armies in his youth, and had then travelled; but it was at his return to Grenada, in 1526, that his intimacy with André Navagéro, ambassador of Venice, to the emperor; a man celebrated both as a poet and historian, inspired him with the pure and classic taste which then predominated in Italy. His friend, Garcilaso de la Vega, associated himself with him in the project of effecting a reform in Spanish poetry. Both of them studied correctness and grace, despising the accusations of their adversaries, who reproached them with introducing among a valiant nation, the soft and effeminate taste of

the vanquished. They undertook to overturn all the laws of Castilian versification, to introduce new ones, on a system directly opposite, and they succeeded.

Boscan, who was one of the instructors of the too famous duke d'Alva, finished his days in an agreeable retirement in the midst of his family and friends. He died about the year 1544. There is in his poetry a harmony of style, and an elegance of expression, which account for the esteem in which the Spaniards hold the first among their poets, whom they regard as classic.

The Spaniards give Mendoza, but the third place among their poets, after Boscan and Garcilaso,* because in comparing him to the two latter, they find harshness in his poetry. Boutterwerk on the other hand, compares his epistles in verse, to those of Horace.

The grand reformation effected, by the example of the Italians, in Castilian poetry, was imitated by the Portuguese; and we must place in the first rank, in this new school, two of them, †Miranda and Montemayor.

Behold then, the men, who are with propriety called the classic poets of Spain; they, who under the brilliant reign of Charles V., and in the midst of the commotions which his ambitious policy excited in Europe, changed the laws of Castilian versification, the national taste, and almost the language; who gave to poetry a more graceful, correct and elegant form, and who have served as models to all those who from that time, have pretended to classic poetry. Whilst Europe and America were deluged in blood by the Spaniards, Boscan, Garcilaso, Mendoza,‡ and Montemayor,§ all of them soldiers, all engaged in these same wars, which were destined to shake all Christendom during a century, describe themselves as shepherds, wearing garlands of flowers, who watch, tremblingly, the favour of a look from their mistresses, who scarcely allow themselves to complain; who interdict to themselves even jealousy, because it is not sufficiently submissive. There is in all their poetry a Sybarite or Lydian softness, which we might with propriety look for among the Italians, made effeminate by servitude, but which is astonishing in men so masculine, the warriors of Charles V. * * * *

Miguel de Cervantes Saavedra, was born in poverty and obscurity, in 1549, at Alcala de Honarès; he took the title of Hidalgo or gentleman, but no account has been preserved either of his family, or early education. It is ascertained only, that he was sent to school at Madrid, where he acquired some knowledge of the classics. At the same time, he read with extreme avidity, all the poets and romance writers of Spain, and he attached, from his earliest youth, the greatest importance to the purity of the Castilian language, and to elegance of diction. He very soon wrote a quantity of verses, sonnets, romances, and a pastoral romance intitled *Filena*, but which has not been preserved. The absolute want of fortune determined him to travel, to seek abroad those resources which he could not find in his own country. He attached himself to the person of cardinal Aquaviva, who took him to Rome. The love of fame, and the activity of his mind, soon induced him to relinquish the almost servile duties which he had at first undertaken for that prelate. He entered the army—

* Born about 1503, at Toledo. † Died 1575. ‡ Died 1558. § Born about 1520.

served under Marc-Antonio Colonna—and under Don Juan of Austria: he was in the battle of Lepanto, where he lost his left hand by a shot from an arquebuse. Obliged to abandon the profession of arms, in which it is probable he did not rise above the rank of a common soldier, he embarked to return to Spain; but the vessel was captured by a Barbary corsair, and taken into Algiers. He remained there five years and a half, in the most rigorous slavery; and was at last ransomed in 1581.

This man, who returned to his country maimed, ruined, without protection, without hopes, and without resources, found still in the force of his mind, enough of gaiety and fire of imagination, to secure for himself a livelihood and a reputation by the dramatic art, and to compose comedies and tragedies, which were received by the public with great applause. It was in 1584, when he was, of course, thirty-five years old, that he published his Galatea; about the same time, he furnished to the theatre at least thirty comedies, which have not been preserved. The rivalship of Lopes de Vega, who, about this time, obtained prodigious success, caused him some humiliation, and induced him to lay down his pen; he married, and it is probable he then lived on the portion of his wife. It appears that he obtained at Seville a small employment, which barely kept him above want, as long as Philip II. lived. The death of this monarch in 1598, restored some elasticity to those geniuses who felt themselves overpowered by his sinister reign. Cervantes who had abstained from publishing any thing, during twenty-one years, gave to the public, in 1605, the first part of his Don Quixotte. The success of this book was unprecedented; thirty thousand copies of it were sold as we are assured, during the lifetime of the author: it was translated into every language, and was applauded by all classes of society. The king himself, Philip III. seeing from his balcony, a scholar on the banks of the Mançanarès, who was interrupted in the perusal of a book by continued bursts of laughter, said to his courtiers,—that man is either mad, or he is reading Don Quixotte. However, neither Philip III., nor any of the lords of his court, ever thought of granting a pension or any other aid of that sort, to this author, the glory of Spain, who was then living in poverty, and who wrote this book, seasoned with so much comic wit, in the prison where he was confined for debt.

One of his cotemporaries, concealing himself under the name of Avelloneda, undertook to continue Don Quixotte, and published, in 1614, at Saragossa, a continuation of this romance, very inferior to the original. Cervantes felt the greatest indignation at this literary fraud; and he issued in his turn, in 1615, a second volume of Don Quixotte, in which he several times turns into ridicule the Aragonese continuation of his history, and introduces Don Quixotte himself complaining of the wretched impostures which had been circulated concerning him. He had already, in 1513, published his twelve novels,—in 1614, his Journey to Parnassus,—in 1615, eight comedies, and eight interludes, which he sold at a low price to a bookseller, not being able to have them received at the theatre. He laboured a long time, at a romance intitled by him, *the Labours of Persileus and Sigismond;* but he had scarcely accomplished it when he died; and this work was published only after his death, in 1617, by his widow, Catherine de Salazon. The preface, which the author wrote when he

had reached the last stage of life, shows us the gaiety, the strength of soul, and the philosophy which he preserved to his dying moments.

He dedicated this same work to the count de Lemos, who, in his latter years, had accorded him his protection, and had done him some service. The dedication is dated 19th April, 1616. "I should like," he says, "not to be compelled to make a so exact application of the "ancient stanzas which begin with these words: *the foot already in "the stirrup;* for I can say, with a slight alteration, the foot already "in the stirrup, feeling now the agonies of death, my Lord, I write "you this letter: yesterday they administered extreme unction "to me; to-day I resume my pen; time is short; the agonies increase; "hope diminishes; yet I should wish to live long enough to see you "once more in Spain."—The count de Lemos was then returning from Naples, and was expected in his country. Cervantes died four days after having written this dedication, the 23d April, 1616, at 67 years of age. * * * * * *

It was love of country that induced Cervantes to write his Numantia. He took for the subject of this tragedy, the destruction of a city which valiantly withstood the Romans, and whose inhabitants, rather than surrender, being resolved to bury themselves under the ruins of their country, slew each other, or precipitated themselves into the flames, and all perished without exception. This terrible subject is not one of those which we at this day consider proper for the dramatic art; it is too grand, too public, too little susceptible of the development of individual passions, and in which a people instead of persons, were brought into action. But a certain degree of admiration cannot be refused to the poetical enterprise of Cervantes, which has the appearance of an expiatory sacrifice to the manes of a great city.

The piece opens with a dialogue between Scipio and Jugurtha. Scipio declares the repugnance which he feels at the continuation of a war, which has already cost so much blood to the Roman people, and in which he has at the same time, to combat the obstinacy of a brave nation, and the want of discipline in his own army. He gives orders for an assembly of his soldiers, that he may harangue them, and recall them to their duty. The novelty of the dramatic art is pleasantly enough shown in the notes, with which Cervantes accompanied his piece, for the guidance of the actors in the representation. He says in this place, "as many soldiers as can be found, must be "brought on the stage, and Caius Marius with them; they must be "armed in the ancient manner, without arquebuses; and Scipio "mounted on a small rock, which must be on the stage, shall regard "his soldiers, before he addresses them."

The discourse of Scipio to his army, too long to insert a translation of the whole of it here, and so long that it must have been fatiguing to the audience, is, however, full of nobleness, and of an eloquence which is at once Roman and military. He begins thus:—

"In beholding, my friends, your bold appearance, and the lustre "of your martial ornaments, I recognise in you, Romans, Romans "I say, valiant and courageous; but from the delicacy and whiteness "of your hands, from the care with which your faces are cleansed, I "should take you for the sons of Britain or of Flanders. Your uni-"versal negligence, my friends, your indifference to all that touches

" you the nearest, gives courage to your enemies already dishearten-
" ed, and diminishes your strength and your reputation. The walls of
" that city, thus far immoveable as the firm rock, are witnesses of
" your careless efforts, which have nothing in them of Roman except
" the name. Does it seem to you, my children, just, that whilst the
" whole world trembles at the name of Rome, you alone are now de-
" stroying this renown in Spain, you are tarnishing her glory?" Scipio then gives orders for the reformation of his army; he directs that the women should be sent away, and every thing which keeps up luxury and effeminacy should be banished, and he promises that as soon as order shall be re-established in his camp, it will be easy for him to conquer this small remnant of Spain, cooped up in the walls of Numantia. Caius Marius replies in the name of all: he promises for the soldiers, that, from this moment they will show themselves true Romans, and will submit to all the rigours of discipline.

Two Numantian ambassadors then present themselves before the general and his army; they declare that the severity, avarice, and injustice of the generals who had, until now, commanded in Spain, had alone caused the revolt of Numantia; but that the arrival of Scipio, whose virtues they know, and in whom they have full confidence, makes them desire peace with as much ardour as they have heretofore courageously supported the war. But Scipio demands a higher satisfaction for the insults offered by the Numantians to the majesty of Rome; he refuses all conditions of peace and sends back the ambassadors, exhorting them to defend themselves well. He then informs his brother, that instead of exposing his army to new combats and shedding more Roman blood in Spain, he intends to surround Numantia with a deep ditch and reduce it by famine. He immediately orders his army to begin the work of circumvallation.

In the second scene (and the separation of the scenes indicates the lapse of a space of time between them) we see Spain advance, in the character of a female, crowned with towers and bearing a castle in her hand, emblematical of the castles from which originated the name and arms of Castile. She invokes the favour and commiseration of Heaven; complains of having been always bowed in servitude, of seeing her riches pillaged alternately, by the Phenicians and the Greeks; her most valiant sons ever divided and combating each other, when there was the most pressing need of their uniting against enemies from abroad. " Numantia alone," she says, " has dared to
" draw her brilliant sword, and maintain, at the price of her blood,
" that liberty she always cherished. But alas! I see it, her fate is
" decided, her last hour has arrived, her existence is soon to termi-
" nate, her fame alone will survive, and like the phœnix she will
" spring up again from her ashes."

The circumvallation is completed, and the Numantians struggle with famine, without being able to combat the enemy. The side alone where the broad Duero bathes the walls of the city, is not yet fortified, and Spain addresses herself to the river god, supplicating him to favour as much as he can the Numantian people, and to swell his waves to prevent the Romans from erecting towers and machines on his banks. The Duero, followed by two rivulets which pour their streams into his bosom, appears in his turn on the stage; he declares that he has made the greatest efforts to keep off the Ro-

mans from the walls of Numantia, but that he feels the futility of his enterprise, that the fatal hour is arrived, and that he must find consolation in the disclosures made to him by Proteus, of the glorious destiny reserved for Spain, and the future humiliation of the Romans. He foretells the victories of Attila, the conquests of the Goths, who shall give Spain a new existence, the title of catholic kings which shall be accorded to her monarchs; and in fine, the glory of Philip II. who will unite to the two kingdoms of Spain that of Portugal.

In the second act, the Numantians are seen assembled in council. Theogenes demands of his fellow citizens what resolutions they should adopt, to free themselves from the cruel vengeance of their enemies, who, not daring to meet them in fight, reduce them to the alternative of dying by famine. Corabino proposes that they should offer to the Romans to decide the quarrel of the two people, by a single combat, and if they refuse, to pass the ditch, and open to themselves a passage through the enemy; other counsellors support this proposition, and express at the same time, the torments of the hunger under which they labour, and their despair. They also propose sacrifices to appease the gods, and to know their will by the skill of the augurs.

The scenes of the theatre of Cervantes are as completely separated as the acts: bringing before our eyes at one time the chiefs, at another the people, and then allegorical personages, with the intention of making us acquainted with the sentiments and thoughts of a whole people on the subject of the public weal, in the various aspects under which they consider it. The second scene is between two Numantian soldiers, Morandro and Leoncio; the first the lover of Lira, whom he was to marry when the war and the misfortunes of his country caused the nuptials to be deferred. Leoncio accuses him of forgetting in his love, the dangers of the city. Morandro replies:—"Never did "love teach cowardice! has any one seen me quit the post where I "was centinel to go and visit my mistress? has any one seen me re-"posing in ease when my captain watched? have I ever been seen "to fail in what duty demands of me for the purpose of devoting "myself to her whom I love? If then I am guilty of no fault, why "should the passion which I feel be made one?" But their dialogue is interrupted by the arrival of the people and priests, the victim and the incense, going to be offered to Jupiter. In proportion as the priests proceed in the ceremonies of the sacrifice, do the most terrible presages present themselves; the fire refuses to adhere to the torches; the smoke flies off to the west; thunder responds to the invocations; (and it is amusing to see by what expedients the author proposes to imitate thunder,—let them, he observes, make a noise under the theatre with a hogshead filled with stones;) in the air the eagles pounce on the vultures and tear them with their talons; in fine, the victim is borne away from the sacrificers by an infernal spirit, at the moment when they are going to slay it.

Marquino the magician, endeavours to discover by incantations, the will of Heaven. He approaches a tomb, where three hours before, a young Numantian had been buried, who died of famine; he invokes his spirit from hell. His discourse to the infernal spirits is singularly poetic. He speaks to the demons with that authority, and

at the same time, with that contempt and anger, which the poets have lent to those magicians who have not suffered themselves to be subjected by the devil. The grave opens, the dead man rises, but without motion. Marquino, by new enchantments, forces him at last to rouse himself and to speak; the shade then announces that Numantia shall not be conquered, nor shall she be victorious, and that the citizens shall perish by each others swords. The corpse then falls back into the tomb, and Marquino throws himself into the grave, stabbing himself at the same time.

The third act leads us back to the camp of the Romans. Scipio congratulates himself on having reduced the Numantians to the last extremity, without being obliged to expose his soldiers to new combats. However, a trumpet is heard from the top of the walls of Numantia. Corabino appears soon after with a white flag in his hand. He proposes to decide the quarrel of the two people by a single combat, on condition that if the Numantian soldier is vanquished, the city shall open its gates; if the Roman, that the siege shall be raised. At the same time, he flatters the vanity of the Romans, who, from the valour of their champions must, he says, be assured of victory; but Scipio rejects with derision a proposition that makes a conquest of which he is already certain, depend on an equal chance.

Corabino, remaining alone on the wall, loads the Romans with invectives, who no longer listen to him; he then withdraws, and the stage represents the interior of the city. The council of war is assembled, and Theogenes, after having rendered an account of the ill success of the sacrifices, the enchantments, and the challenge, proposes anew to open a passage through their enemies. His warriors fear the opposition only of their wives, whom they will thus be obliged to abandon. In fact, the women of Numantia already informed of the sortie which is meditated, fly to the council chamber, carrying their children in their arms; each one begs in an eloquent address, to participate in the fate of their husbands: " What are you going to " do brave warriors, says one; do you still, in your dreadful council, " think of departing, of leaving us? Would you abandon the virgins " of Numantia to the insolence of Roman soldiers, and our sons who " were born free, will you leave them slaves? Is it not better to " strangle them with your own hands? Will you then satisfy Roman " cupidity and avarice? Will you that their injustice obtain a triumph " over us? That our houses be pillaged by foreign hands?—If you " wish to pass the ditch, take us with you in your sortie: it will be " life to us to die by your sides, and you will not thereby hasten our " death, since famine now leaves us no hope." Another presenting her children to the senators of Numantia, says to them:—" O chil- " dren of wretched mothers! Why then do you not speak also? Why " not supplicate with tears your fathers not to abandon you? Let famine " terminate your lives, and may you not experience Roman cruelty " and rage! Tell them that you were begotten free, that you were " born free, and that your unhappy mothers reared you for liberty! " say, that since fate is so opposed to us, those who gave you life " ought also to give you death! O walls of this city! if you can " speak, say, and repeat a thousand times—*Numantians! Liberty!*"

After several women have spoken, Theogenes replies to all with tenderness. He protests that their husbands will not abandon them,

and that living or dying, they wish to serve them still; but he invites the Numantians to a resolution more desperate than the preceding; it is, not to leave in Numantia any remains of their property or persons, over whom the enemy may triumph. He requests that a funeral pile be erected in the middle of the public square, into which each shall himself cast all his wealth; and to appease for at least some hours the hunger which consumes them, that the Roman captives be devoted to death and eaten by the soldiers. All the people receive with joy this shocking order, and disperse themselves to execute it. Morandro and Lira remain alone on the stage, and there is between them a horrible scene of love and hunger. Lira, in answer to the passionate expressions of her lover, declares that her brother died the evening before of hunger, that her mother died this day, and that she believes she has not an hour to live. Morandro, however, determines to penetrate to the Roman camp, and bring off some aliment to prolong the days of his mistress. Leoncio, his friend, in spite of his entreaties, determines to accompany him, and both await the obscurity of night to attempt their enterprize.

Two Numantians then announce that the pile is already lighted, and that all the citizens are crowding round to throw in their wealth. Men loaded with precious burdens cross the stage to repair to the pile. One of the Numantians informs us, that when all the property is consumed, the women, children, and aged will be massacred, to prevent their falling into the hands of the conquerors. A mother then arrives on the stage; she leads by the hand a boy who carries a bundle of valuable effects; an infant is in her arms, and is pressed to her bosom.

" The mother. O cruel, hard life! O sad and terrible agony!

" The son. My mother, shall we have the happiness of meeting " some one who will give us bread for all this?

" Mother. Neither bread or any thing else that will serve as nou- " rishment.

" Son. Must I then die of this cruel hunger? O my mother! a " single morsel of bread is all I ask of you.

" Mother. O my son, what pain you give me!

" Son. What, mother, then you will not?

" Mother. I will; but what can I do? I know not where to find it.

" Son. Can you not, mother, buy some for me? See, I will buy " some myself, and will give to the first who desires it, all that I " carry here, for a morsel of bread.

" Mother (*to the infant*). And thou unfortunate creature, why " dost thou press against my bosom? do you not feel, to my grief, " that you draw from this enfeebled breast pure blood instead of " milk? Why dost thou exhaust my substance to satisfy thy hunger? " nor can my weak and tired arms support you any longer. O child " of my bosom, what can I do to sustain thee? scarcely is there any " of my own flesh left to satisfy you. O terrible, cruel hunger, in " what torments you terminate my life! O dreadful war, what a death " thou hast reserved for me!

" Son. Mother, I am going to faint; let us hasten to the place we " are going to, for the walk seems to increase our hunger.

" Mother. The house, my son, is not far, where, in the midst of a

"burning pile, we are to lay down the burden which oppresses "you."

I almost feel remorse for having translated this shocking scene, which causes the most cruel pain to the imagination; it is the tower of Ugolino, rendered a thousand times more horrible; for the suffering being extended over a whole city, hunger wrestles with the most tender as with the most impassioned sentiments. It is because similar agony has existed in nature, because the idea alone of war brings before us its image, that art should forever be interdicted its representation. The misfortunes of Œdipus are terminated; the banquet of Thyestes will never again be spread; but who knows, whether in some besieged city, an anonymous mother, like that of Numantia, may not nourish the infant in her arms with blood instead of milk, and may not struggle against that excess of pain which human force cannot support. Without doubt, if we could serve her, if we could save her, there would be cowardice in fearing the shock which so frightful a portrait produces; but if the eloquence or the poetry which presents it to us, is without object, how can we find a poetic pleasure in an emotion, which may be so near us in frightful reality?

At the opening of the fourth act, the alarm is sounded in the Roman camp; Scipio demands the cause of the tumult: he soon learns that two Numantians have passed the entrenchments, have killed several soldiers, and have carried off some biscuit from a tent; that one of them leaped the wall a second time and re-entered the city; that the other is killed. In the following scene, we behold Morandro re-entering Numantia, wounded and covered with blood; he bewails the loss of his friend, and bathes with his blood the bread which he carries to Lira. He presents her this last offering of his love, and falls dead at her feet. Lira refuses to touch a nourishment so dearly bought;—one of her brothers, a child, comes to seek refuge in her arms, and there dies in the convulsions of hunger. A soldier then crosses the stage, pursuing a woman whom he wishes to kill, for already has the order of putting all the women to death, been published by the senate. He refuses, however, to kill Lira, and he consents to take her and the two bodies lying at her feet, to the funeral pile.

War, famine, and disease, personified, then appear, and dispute with each other the ruins of Numantia; their description of the calamities under which the city succumbs, appears cold, after the dreadful scenes which have been presented to view. Theogenes then crosses the stage with his wife, two sons and a daughter: he conducts them to death on the funeral pile; he announces to them that he himself will be their executioner, and obtains their consent. Two young men, Viriatus and Servius, flying from the soldiers, traverse the stage; the first wishes to take refuge in a tower which he knows; the other worn down by famine, has not strength to proceed farther. Theogenes, who has already killed his wife and children, returns, and presses a Numantian to kill him. Both agree to fight each other near the pile, and that the conqueror shall throw himself into the flames.

The Romans however, perceive, that all noise has ceased in Numantia; one of them, Caius Marius, mounts the wall by a ladder, and pauses in consternation, at beholding in the city, streams of blood, and

the streets filled with dead bodies. Scipio fears lest this universal massacre, should deprive him of the honours of a triumph. If a single captive of Numantia is alive to be attached to his car, he would be certain of obtaining that recompense; but Caius Marius, and Jugurtha, have traversed all the streets, and have only found blood and dead bodies; at last they find Viriatus, the youth who had fled to the tower. Scipio addresses himself to him, and gently invites him with the most flattering promises, to surrender. Viriatus rejects his offers with indignation;—he will not survive his country,—curses the Romans, and precipitating himself from the tower, falls dead at the feet of Scipio. Fame, with a trumpet in her hand, terminates the piece, in promising to the Numantians eternal glory.

Numantia was played several times during the youth of Cervantes, whilst the nation was still elevated by the enthusiasm caused by the victories of Charles V., and when the change of fortune which it began to experience under Philip II., only made it redouble its resolution to maintain its ancient glory. Let us figure to ourselves the effect which Numantia would produce, if played in a besieged city; let us image to ourselves the Spaniards intoxicated by their poets with the sentiment of their national glory and their independence, thus preparing themselves for new dangers and new sacrifices; and we shall perceive that this theatre which we call barbarous, approaches that of the Greeks much nearer than ours, by the energetic influence which it exercised over the people, and by the power with which poets regulated opinion. * * * * * *

The book Persiles and Sigismund of Cervantes, gives us an opportunity of making a last remark on the character of the Spanish nation. The heroes Persiles and Sigismund, are represented as models of perfection; they are young, handsome, brave, generous, tender, devoted to each other beyond any thing we can expect from human nature, and above all, liars, as if their lives had been devoted to no other occupation. On every occasion, before knowing whether good or evil will result to them from it, they make it a rule of prudence always to say the opposite of the truth; if any one interrogates them, they deceive him; if any one asks counsel of them, they deceive him; if any one confides himself to them, they betray him; those who feel for them the greatest affection, are chiefly the sport of this spirit of dissimulation. The generous prince Arnaldo of Denmark, is from the commencement to the end of the romance, the victim of Sigismund's duplicity; Sinforosa is no less cruelly deceived by Persiles. Policarpo, who had extended to them hospitality, loses his kingdom by a succession of the same artifices; but success always crowning their deceptions, personal interest is supposed to justify the heroes, and what would often appear to our eyes a base humiliation, is represented by Cervantes as successful prudence. I know that foreigners who have travelled in Spain, that merchants who have traded with the Castilians, praise, with unanimous consent, the good faith and loyalty of this nation; we must believe them: nothing is so common as to calumniate a people who are separated from us, by language, morals, and prejudices; and the virtues must be altogether real, when they triumph over national prepossessions. However, Spanish literature is not calculated to inspire this confidence in Castilian loyalty; not only does it crown dissimulation with success, in the comedies,

romances, in all the portraits of manners, but it is even more honoured than candour. There is in the writers of the Germanic nations, a tone of frankness and honesty, an openness of heart, which we should vainly seek for in all the books of Spain. History, even more than literature, verifies this charge of profound dissimulation, which affects all the people of the south, and supposes the existence of a duplicity which their point of honour, their religion, and the morality fashionable in society authorise. No history is tarnished with more perfidies than that of Spain; no government has sported more with its oaths and most sacred engagements. From the reign of Ferdinand the catholic, to the ministry of cardinal Alberoni, all the wars, public negotiations, and relations of the government with the people, are marked with odious treachery; yet adroitness has obtained the admiration of the world, and the point of honour is absolutely separated from honesty. * * * * * *

As to the Spaniards, in all we have yet seen of their literature, we may have remarked that it was much less classical than that of other nations; that it was much less on the model of the Latins and Greeks, that it was above all much less enslaved to the laws and criticisms of the jurisconsults of literature; and that it had preserved a character more original and more independent. It is not that the Spaniards did not also take models, or that they were not in their turn imitators: their first masters were the Arabs, from whom they have taken their ancient poetry. In the sixteenth century, their mixture with the Italians, had in some degree renovated their literature, and changed its spirit and rhythm; but what is remarkable is, that those who introduced foreign riches into the Castilian language, were not men of letters, but warriors. The Spanish universities, numerous, rich and powerful by their privileges, remained under the monastic influence. The principal of their privileges was, and is at this day, the right of not following the progress of science, and of maintaining all the ancient abuses and ancient form of instruction, as a precious patrimony. Spain had no share in that zeal for the erudition and poetry of antiquity, which gave so much life to the sixteenth century; none of their poets who have distinguished themselves, have the reputation of being erudite, or great Latin or Greek poets; in return, all of them are soldiers, whose active and elevated souls, sought other incitements than those of arms. Boscan, Garcilaso, Diego de Mendoza, Montemayor, Castilejo, Cervantes, had fought with distinction. Don Alonso de Erçilla, traversed the Atlantic and the streights of Magellan, to seek glory and danger in another hemisphere. Camoëns, a Portuguese, was also a navigator and soldier, as well as a poet. * * * * * *

Lopes Felix de Vega Carpio, was born at Madrid in 1562, fifteen years after Cervantes; his parents, noble but poor, gave him a literary education. Never did any poet during his lifetime, enjoy so much glory. Wherever he showed himself in the streets, the crowd surrounded him and saluted him with the name of *prodigy of nature*. It is calculated that he wrote more than twenty-one million three hundred thousand verses, on one hundred and thirty-three thousand two hundred and twenty-two sheets of paper.

In his portraits of morals, the truth of which is above suspicion, there is a feature striking and always inconceivable; it is the

susceptibility of the Spanish point of honour. The least coquetry in a mistress, a wife or sister, is an affront to the lover, husband, or brother, which blood alone can wash out. This furious jealousy was communicated to the Spaniards by the Arabs; but amongst the latter and all the Orientals, we can comprehend it, as it is in accordance with the rest of their habits. They keep their women shut up; never pronounce their names, and never seek a connexion with them until they have them in their power, and thinking of love and jealousy only in their harem, they seem in the rest of their life, entirely to forget the whole sex. The Spaniards conduct themselves differently; their whole life is consecrated to gallantry: each of them is the lover of a woman who is not in his power; and all, on account of their love, allow themselves to engage in intrigues often but little delicate. The most virtuous heroines give rendezvous by night at their windows; they receive and write billets-doux; they go out masked, to meet their lover in some third house; and the chivalric spirit so protects gallantry, that when a married woman is pursued by her husband or father, she calls on the first man she meets, without knowing him, and without making herself known, she demands of him to protect her against the pursuer; the person thus invoked, cannot, without being dishonoured, refuse drawing his sword, to procure for this unknown female a liberty perhaps criminal; and yet he who has thus fought to secure the escape of a coquette, he who has received and written billets-doux, who has obtained these rendezvous, betrays the most furious rage on learning that his sister has inspired love, or is herself in love, or that she has taken any of those liberties which universal custom authorises: it is a sufficient motive in his eyes to poniard both the sister herself, and the person who has dared to speak of love to her.

The whole Spanish theatre shows us this singular legislation on the point of honour, put into practice. Several of the pieces of Lopes de Vega, some of those of Calderon, among others the *Lady's Ghost*, and the *Devotion of the Cross*, place in open view, this contrast between the jealous rage of husbands or brothers, and the protection which they accord to a handsome mask, whom they would often have the greatest interest in detecting, if they knew the culprit. But I find something still more remarkable in the motive which induces a Castilian philosopher to raise his voice against these sanguinary manners, in an anonymous comedy of the court of Philip IV. It is a judge speaking of a husband who had killed his wife: "He "has obeyed the laws of mundane honour, but not those of heaven. "My wife is my other self, and since I cannot commit suicide, it is "clear that I cannot put her to death. It is true, that it is very rare "that we find one who is master of his first impulse." Strange morality, which only forbids murder, because it resembles suicide.

Those persons for whom the Spanish theatre, in its infancy, is without interest, cannot be indifferent to the character of a nation, which at that period, was arming for the conquest of the world, and which, after suspending a long time the destinies of France, seemed on the point of bringing her under the yoke, and of forcing her to receive its opinions, laws, customs and religion.

A remarkable trait in all the Spanish chivalric pieces, is the little horror or remorse which murder inspires. There is no nation which

has shown so much indifference for the life of an individual; none among whom duels, armed rencounters and assassinations, caused by the most trivial motives, and accompanied by no shame or repentance, are more frequent. All the heroes of the theatre, at the outset of their history, have invariably killed a powerful man and are obliged to fly. After a murder, they are, it is true, exposed to the vengeance of relations, and to the pursuit of justice, but they are protected by religion and public opinion; they fly from convent to convent, and from church to church, until they find a place of safety; and it is not a blind compassion alone which favours them; the whole clergy enjoin it on the faithful as a duty, from the pulpit and the confessional, to show charity to the unfortunate person who has yielded to an impulse of rage, and to assist the living before the tribunal of justice, in abandoning the dead. The same religious prejudice prevails also in Italy; an assassin is always sure of being protected in the name of christian charity, by all who belong to the church, and by all that portion of the people which is more immediately under the influence of the priests; thus in no countries in the world have assassinations been more frequent than in Italy and Spain. In the latter, there is scarcely a village festival at which a man is not killed. And yet this crime ought to appear much more heinous to a superstitious people; since, in their creed, the eternal judgment depends not on the general course of life, but on the state of the soul at the moment of death; so that he who is slain being almost always at the moment of the quarrel in a state of impenitence, they do not doubt but that he will be condemned to eternal flames in hell.

But neither the Italians nor Spaniards, ever consult their reason in their moral legislation; they confide blindly, in the decisions of casuists, and when they have undergone the expiations imposed by their confessors, they believe themselves purged of all crimes. And these expiations have been rendered easy in proportion to the riches which they produce to the clergy. Masses for the soul of the defunct, a gratuity to the church, or in fine, a sacrifice of money, however unequal to the wealth of the guilty, are always sufficient to efface the stain of blood. The Greeks in the heroic days, also exacted expiations, before the murderer was permitted to re-enter the temples; but these expiations far from enfeebling the civil authority were devised to enforce it; they were long and severe; the murderer did public penance, and he felt himself sullied by the blood he had shed. Thus among an impetuous and semi-barbarous people, the authority of religion, in accordance with humanity, arrested the effusion of human blood and rendered assassinations more rare in all Greece, than they are in a single village of Spain.

There is not, perhaps, one piece of Lopes de Vega, which cannot be cited in support of these statements; which does not manifest a contempt for the life of others, a criminal indifference to the commission of sin as soon as it can be expiated in the church;—the alliance of devotion with ferocity,—and a public admiration of those men who have made themselves notorious by their numerous homicides.

DOMESTIC CHRONICLE,

For 1816.

CENSUS.—Niles's *Weekly Register* presents us with views of the past and probable population of the United States. According to the census of

1790, we had	3,929,326
1800,	5,303,666
1810,	7,239,903

Mr. Niles calculates, that in 1820 we shall probably have a population of 9,965,178 souls.—The *western states* will, of course, increase much faster than those on the sea board.—Kentucky (for instance) is calculated to increase 60 per cent. in ten years; Tennessee, 75 per cent.; Ohio, 150; Louisiana, 125; Indiana, 700; Mississippi Territory, 125; Illinois Territory, 600; Missouri Territory, 500; Michigan Territory, 500; while of all the Atlantic States, the greatest increase is allowed to Pennsylvania, being but $33\frac{1}{3}$ per cent. Virginia is estimated at but 15.

According to these data, the states will stand in the following order, as to their gross population: New-York, Virginia, Pennsylvania, Kentucky, North-Carolina, Ohio, Massachusetts, South-Carolina, Tennessee, Maryland, Georgia, *Maine*, New-Jersey, Connecticut, Vermont, New-Hampshire, Louisiana, Indiana, *Missouri*, *Mississippi*, Rhode Island, Delaware, *Illinois*.

In *gross* numbers, Virginia *now* stands first, (being 974,622); New-York next, (being 959,049); Pennsylvania third, (being 810,091); Massachusetts, inclusive of Maine, the fourth, viz. (700,745), &c. &c.

Mr. Niles has not calculated the *rates* of *actual* increase on the three *last* census—but the rates of the whole increase may thus be stated:

Increase from 1790 *to* 1800—35 per cent.
1800 *to* 1810—36

Taking 36 per cent., therefore, as the average of our increase for every ten years, these conclusions follow:

1st. That the United States *double* their population in twenty-eight years:

2d. That, applying the same ratio of increase to the next census, we may be expected to number in 1820, about 9,846,268—only 117,910 souls less than Mr. Niles estimates.

Let us say, then, in round numbers, that in 1820, our population will amount to ten millions of souls—Where is the limit to this astonishing extension? Let us suppose, what will probably be more correct, that our numbers will not advance every ten years *as much* as 36 per cent.—but that they increase about 3 per cent. less in that period—in other other words, that from 1820 to 1830, the increase is only 33 per cent.—to 1840, 30 per cent.—and 1850, 27 per cent. Making this allowance,

(that we may sin on the safe side) still it follows, that

In 1830 we shall have	13,300,000
1840	17,290,000
1850	21,958,300

By these estimates, the United States will have, in *thirty-three years*, a population of nearly *twenty-two millions*—considerably more than the population of Great Britain and Ireland—and in about ten years more, more than the population of France.

COAL USED IN PROPELLING STEAM-BOATS.

Albany, September 2.—It gives us pleasure to learn from Captain Roorbach, of the steam-boat Car of Neptune, who made an experiment of coal in his last trip from New-York, that he is perfectly satisfied of its answering all the purposes of wood in propelling steam-boats. The Car, notwithstanding her having met with much detention in a first experiment, performed the route in 35 hours. As the use of wood on board our steam boats has greatly enhanced its price both in this city and New-York, it will have a tendency to make this necessary article cheaper, should coal in future be substituted.

The facility and economy of travelling, produced by the introduction of steam-boats into our waters, is matter of surprise and felicitation. Routes that formerly required weeks to travel, are now performed in about as many days, with infinitely more ease and less expense. We have heard the remark often made, that steam-boats have brought New-York to within thirty miles of Albany; and that the wholesale business of our merchants has decreased in a ratio proportionable to the decrease of distance—the buyers finding little inconvenience or delay in going to the former to make their purchases.

The following statement of distances, fare, expenses, and time of travelling from Philadelphia to Quebec, will fully illustrate our remark, and may be of some use to the traveller.

	Expense.	*Hours.*	*Miles.*
From Philadelphia to N. York, by steam boats & stages, say dollars	10	13	96
New-York to Albany by steam-boat,	7	24	160
Albany to Whitehall, by stages, fare five dollars, expenses three dollars,	8	12	70
Whitehall to St. Johns, by steam boat,	9	26	190
St. Johns to Montreal,	3	4	37
Montreal to Quebec, by steam boat,	10	24	186
Dolls.	47	103	699

Thus a person may travel seven hundred miles in a little more than four days, at an expense of fifty dollars, or about seven cents per mile, and sleep comfortably on the way. The arrival and departure of the stages and steam-boats are so arranged, that the above route may be performed in about five and a half successive days, and the traveller tarry six hours in New-York, nine hours in Albany, nineteen at Whitehall, and six at Montreal. Such expedition in travelling we believe cannot be equalled in any other country on the globe.

Three steam-boats ply from Montreal to Quebec, once a week, and start Sundays, Tuesdays, and Thursdays, at 2 A. M. Two ply on lake Champlain twice a week, and exchange passengers at Ticonderoga. One starts Wednesday and Saturday, at 2 P. M. from Whitehall; and Tuesday and Friday, at 8 A. M. from St. Johns. A steam-boat leaves Albany for New-York, Monday, Wednesday, Friday, and Saturday, at 9 A. M. and New-York for Albany the same days at 5 P. M. Boats start from

New-York for Elizabethtown twice a day, 5 and 10 A. M. and for New-Brunswick, Monday, Wednesday, and Friday, at 7 A. M.; and the passengers are received on board boats in the Delaware, which convey them without delay to Philadelphia.

Buffalo, September 10.—The facility of intercommunication in this country is constantly increasing. The mail stage now runs from this place to Canandaigua in one day, and from thence to Albany in two days.—A short and pleasant passage carries a person to New-York in little over a day more. Thus a journey of almost 450 miles, is performed in about four days; and the greatest part of it too through a country that was but a few years since a wilderness, inhabited only by savages and wild beasts. The human mind is hardly capable of keeping pace with such astonishing improvements.

A line of stages has commenced running from this place to the Niagara Falls, three times a week. This line will afford a cheap and commodious passage to persons desirous of visiting these stupendous works of nature.

SPOTS ON THE EARTH.

West India Slaves.—The black slaves in Dominico are supposed to be about 21,000, white people 4500, free persons of colour 3000; Demerara, slaves 71,000, white and free coloured 6000; New Providence, 3000 white, free and black coloured 3000; St. Vincent, slaves 22,000, whites and coloured blacks 1500; Bermuda, 5000 blacks, same number of whites; Surinam, 52,000 slaves, 500 white and coloured; Curracoa, slaves 5000, free 6000; Grenada, 29,000 black slaves, 2000 frees; Martinique, 77,000 slaves, 18,000 frees; Berbice, 25,000 slaves, 800 frees; Barbadoes, 69,000 slaves; Jamaica 319,000; Antigua, 30,000.

USEFUL ARTS.

Rectification of Flour.—As it appears by a communication inserted in the New-York Columbian of the 15th February, signed "Americanus," on the just claims of Dr. *Robert Hare*, of Philadelphia, to the discovery of important facts on fusion, that during the bustle of contending political parties, you still reserve a corner of your paper for those who contend for nothing but light and knowledge —I hope that you will also enable me to claim for the hon. *E. C. Genet*, member of several American and European scientific and literary societies, the priority of a discovery reported to have been lately made in England by the celebrated sir *H. Davy*, on the rectification of damaged flour by means of magnesia. It is not contemplated to charge the great English chemist with plagiarism; his fame shields him against such a suspicion; but my object is purely to state, that in the year 1814 Mr. *Genet*, being in New-York, and obliged, as almost all the citizens were at that epoch, to eat bad bread, made in part with the sour and musty flour which the stagnation of commerce had accumulated in all our ports—that gentleman, with the assistance of Mr. *Frederick Porter*, made several experiments, not only to neutralize by the intermixture of magnesia alba, the oxid in sour flour; but by another process unpublished by sir *H. Davy*, to cure that musty taste, so disagreeable in bread made with damaged flour.

Mr. Genet, after repeated experiments at his own mills near

Albany, and at Mr. Wells's mills near New-York, being satisfied that all damaged flour, unless entirely rotten, could be reclaimed, endeavoured, by application to several flour merchants and capitalists in this city and in Albany, to render his discovery not only useful to the country, but also to those who would promote it: yet, it was all in vain: the flour merchants were unwilling to pay a just compensation (of one dollar per barrel, all charges and costs included) for the rectification of a kind of flour which could always be forced with a large profit, and without any additional cost, on the people, on the troops, and, now and then, on foreign nations. And the moneyed men knowing how to improve their capital without the aid of experimental philosophy, would do nothing at all! Mr. Genet hath, however, continued his researches on that interesting subject of domestic economy; and, in a memoire prepared for the scientific societies to which he belongs, he hath proved—

1st. That magnesia, in proportions which vary according to circumstances, not only neutralizes the acidity of flour, but also prevents it.

2d. That by another process, fire applied in a peculiar manner to damaged flour, destroys that vegetable substance called *must*, which is the production of dampness and putrefaction.

And 3d. That by more attention paid to the storage of wheat and the manufacturing and curing of flour in its original state, and above all, by the total relinquishment of the practice of several packing mills, to mix at least one-tenth of the flour of maize or Indian white corn with the wheat flour; those accidents so fatal to the character of our flour in foreign markets, and which we have so disagreeably felt ourselves during the embargo and the war, would be avoided, and the remedies recommended as curatives or preventives, rendered in some measure superfluous.

BANK OF THE UNITED STATES.

The following is an accurate Statement of the Returns of the Subscriptions to the Bank of the United States:—

1	Philadelphia, Pennsylvania,		*Dolls.* 8,878,400
2	Baltimore, Maryland,		4,014,100
3	Boston, (Mass.)	2,402,300	
	Portland, Maine,	203,600	
			2,605,900
4	Charleston, South-Carolina,		2,598,600
5	New-York, State of New-York,		2,001,200
6	Richmond, Virginia,		1,698,700
7	Washington City, District of Columbia,		1,270,800
8	Lexington, Kentucky,		958,700
9	Augusta, Georgia,		826,500
10	Providence, Rhode-Island,		741,900
11	Middletown, Connecticut,		587,800
12	Wilmington, Delaware,		470,600
13	Cincinnati, Ohio,		470,000
14	New-Orleans, Louisiana,		308,500
15	Raleigh, North-Carolina,		258,300
16	New-Brunswick, New-Jersey,		130,200
17	Portsmouth, New-Hampshire,		120,000
18	Nashville, Tennessee,		53,600
19	Burlington, Vermont,		6,300
	Total,		*Dolls.* 28,000,000
	Government of the United States,		7,000,000
	Grand Total,		35,000,000

FIRE IN THE MOUNTAINS.

Easton, (*Penn.*) *May* 3.—For several days the surrounding country has been darkened by clouds of smoke, which have evidently proceeded from the blue mountains, the bushes and trees on which have been on fire for upwards of a week. The fire, (we are told,) first commenced in the vicinity of Rosscommon, about fourteen miles from this place, and advanced rapidly with the wind, which blew from that quarter towards the upper parts of the mountains, extending itself over the country, about twenty or thirty miles, consuming property to a considerable amount. The fire is

not yet extinguished, but rages in some parts of the mountains with the greatest fury.

Albany, (N. Y.) May 1.—Our city was yesterday filled with smoke and cinders, from the woods which were on fire between Albany and Schenectady. The fire commenced on Sunday afternoon, and, we understand, has extended its ravages over a distance of five or six miles. Reports state, that two or three houses on the turnpike have been consumed, and that some fears were entertained for the powder-house in the vicinity. Engines left the city yesterday afternoon to arrest its progress.—When we take into consideration the high price of fuel in our market, this fire will be considered a serious calamity. Whether it was the effect of accident or design, we have not ascertained.

Providence, (R. I.) May 3.—Early in the forenoon of Wednesday last, a fire commenced in Johnston, on land belonging to Mr. John Sweet, in consequence of the injudicious burning of brush at a season when all nature is ripe for combustion. The fire, aided by the wind and the drought, was very rapid and extensive in its progress, ravaging, in the course of a few hours, more than a *thousand acres of land*, covered with young thrifty wood and heavy timber. Several hundred cords of fuel wood, prepared for market, were entirely consumed, and the growth of timber very materially injured.—The amount of damage, sustained by farms and lots, in Johnston, North-Providence, and Smithfield, cannot at present be ascertained with sufficient precision to justify an estimate. The most strenuous and disinterested efforts were made by the inhabitants of those towns (assisted by a number from this) to rescue the surrounding woodland from a general conflagration. To these efforts is in a great measure to be attributed the preservation of several dwelling-houses and manufacturing establishments, which were threatened with destruction.

It is a curious fact that several hundred Rabbits, those shy and harmless tenants of the woods, ran from their perilous situation, as the fire approached them; but encountering *the face of man*, they retreated (such is the blindness of instinct) and perished in the flames.

Boston, October 8.—The smoke for a week past has been so exceedingly thick as to render the navigation of the coast exceedingly difficult. On the eastern coast as far as Frenchman's Bay in particular, it has been very thick, and during the late gale, cinders were blown aboard vessels at a considerable distance from the shore. It has also been very offensive to the eyes of persons travelling and at sea. A coaster lay for most of Saturday night at about a mile's distance from the Boston light-house, without being able to discern the light. The smoke yesterday was not quite so thick.

EXTENSIVE MINE OF ARSENIC.

New-York, March 29.—A few days ago a Mr. Wood brought to the professor of natural history in Columbia college for examination, a parcel of large mineral specimens, which, on examination, were found to be an ORE OF ARSENIC. It is uncommonly fine and rich. The story told of it is that the vein is several rods wide and several miles long. It is situated in the town of Warwick, Orange county,

New-York, and will probably afford a more copious supply of that important article than the mines of Saxony. The samples are deposited in the Mineralogical Cabinet of the College in Barclay street.

Philadelphia, September 3.—About eleven o'clock on Tuesday night last, after most of the family had retired to rest, the chimney of a large house, No. 32, North Third street, fell into the cellar, with a most tremendous crash, so loud as to be heard at the distance of several squares. It happened in consequence of that part of the stack of chimneys which rose through the first story, having been removed, to make the store more spacious and convenient, and to unite the front with the back room—an arch was turned in its place, to support the remaining part above, which gave way.—It is remarkable, that although the alteration was made ten years ago, it has never fallen until now. The chimney, as in most of the old fashioned houses, was situated in the centre of the building, that it might answer both for the front and the back rooms—it, therefore, tore through every chamber in the main building, and left a vacant space from the roof down, of about fifteen feet square. A bed, together with the lady that was in it, was carried down with the ruins—a gentleman, who came to her assistance, drew her from amongst the rubbish, although neither of them knew how, in consequence of the darkness, which added to their terror. One or two gentlemen in the third story narrowly escaped with their lives. The store was occupied by Messrs. M'Millin and Bonnet, as a china shop, and the greatest part of the ware was demolished.

Richmond, (Vir.) January 9.—On the night of the first instant, the dwelling-house of Mr. Henry H. Burwell, of Mecklenburg county, was consumed by fire, and lamentable to relate, six of the family perished in the flames, viz. Miss Mary Burwell, the eldest daughter of John S. Burwell, Esq. of Franklin, then on a visit; the infant child of Mr. Peyton B. Burwell, who, with his lady, are now in Gloucester; and four servant maids. Mrs. Burwell died on the next day and Mr. Burwell the day after, of the burns they received in escaping through the devouring element.

The fire was discovered about midnight, which seems to have commenced at the stair case, and had made such progress as almost to cut off the possibility of escaping that way. Mr. Burwell did succeed in passing through the flames with his wife, but they were so severely burnt, as to sink under the affliction. The family were sleeping in the second story.—Miss Martha Burwell saved herself by jumping out of an up-stair window, and was caught by a servant woman—she fortunately received but little injury.—Mr. M. Hepburn, also escaped in the same way, and was much bruised. Fortunately Mrs. Burwell the elder and Miss Jane were from home. Mr. H. H. Burwell was in the 25th year of his age and had been married only three months.

October 12.—A singular circumstance took place in this city on Thursday night. A man and his wife were quarrelling, and the husband beating his helpmate.—She flew from him—but left behind her son, but not his son, of about ten years of age.—The little boy, irritated at the treatment of

his mother, grasped a gun, which he found in the room, and discharged it at the man—who was wounded, but not mortally.

New-Haven, (*Conn.*) *January* 16.—One of the most accomplished villains that disgraces our country broke from the jail in this city on Friday evening last, between the hours of five and six, and succeeded in making his escape. This fellow calls himself *William Newman*, and was bound over for trial at the next sitting of the superior court, on the charge of burglary, having robbed the house of Mr. H. Butler of plate, money, &c. He is supposed to be an Englishman, and is undoubtedly a most profound adept in the arts of knavery and deception. He speaks the English and several foreign languages fluently, and can play off the air of a genteel Frenchman with the most imposing gravity. He is of a middling stature, slender and active, and appears to possess an astonishing versatility of genius. He is sick or well, grave or gay, silent or loquacious, and can fence, box, fight, run, sing, dance, play, whistle, or talk, as occasion suits. He amused himself while in prison by making and managing a puppet-show, which he performed apparently with such scanty means as to excite the wonder of the credulous, showing the piece of an old horse shoe, whetted on the wall of his dungeon, as the only instrument of his mechanism, and complaining only of the scarcity of *timber* to complete the group. His machinery was so contrived that his dancers kept time to his music, and his boxers and fighting men obeyed his command—and when tired of the exhibition of his wooden company, he enlivened his spirits by skipping the figure of a hornpipe. He had the address, by an irresistible flow of good humour and cheerfulness, to make some believe that he was quite an innocent and harmless man, and excited sympathy enough in those who had the curiosity to see him to obtain several gratifications which prisoners do not usually enjoy. Yet the deepness of his cunning was evinced in accomplishing the means of his escape, which he effected by sawing a hole in his prison door, which is several inches thick, so neatly that the block could be taken out and replaced without showing any mark of violence. Through this hole he could thrust his arm, and by shoving back the bolts and wrenching off a strong padlock, found, at the hour of supper, when the person who waited on the prisoners was giving them their food, a free passage to the hall of the county-house, and thence to the street. The saw is supposed to be one used on board the steam-boat Fulton for cutting iron, which he stole on his transportation from New-York (where he was apprehended) to this place, and so artfully did he conceal it that, though repeatedly searched before his confinement, and afterwards, at the suggestion of Captain Bunker, to discover this very instrument, he was enabled to retain and use it for his purposes.

It is supposed he will attempt to reach Albany, where he said he could procure considerable funds. The knowledge of these facts should warn the public to be on their guard, and if possible to secure and bring him to justice.

Norfolk, (*Vir.*) *May* 24.—In noticing the death of Peter Faure, (or Forde as he was commonly called,) in Monday's Herald, we

observed that in the smallest possible line of business, he accumulated twenty thousand dollars. We have since understood from unquestionable authority, that we considerably overrated his stock in trade, which never exceeded two hundred dollars, and that, by no other *visible* means than the profits of this scanty business, he had hoarded up nearly *fifty thousand dollars!* About twenty thousand dollars were deposited in the Banks, fifteen thousand dollars he had some time ago remitted to France, and invested in real estate, and about ten thousand dollars in gold, were *accidentally* found after his death, deposited in the false bottom of a wooden chest, under a quantity of old cloths and rubbish!

A SWINDLER.

Alexandria, Sept. 15.—A detection took place in this town on the 28th ult. in the evening, of *Joseph Douglass Black*, who had arrived here some time before, from Boston, for the purpose of commencing a very extensive business, proportioned to his capital, which was about 150,000 dollars, in bills, besides a considerable quantity in gold coin. He had a pretty perfect knowledge of every department of mercantile business, and promised a supply in every article in that line. In this "extensive business" he a-*Muse'd* a gentleman of this place who had some property and friends, with an association. During their intercourse, he deposited in his possession a *tin-box*, soldered in all its joints, and elegantly papered, containing 1200 *guineas*, and bills to a considerable amount; upon which he occasionally got some *advances* to defray his expenses. Other bills were also forwarded by an old established merchant of this place to his son in Europe, for the purpose of procuring goods by the fall arrivals; and the gentleman who was to be concerned officiated with the merchant (who was his acquaintance and friend,) in getting them forwarded, and indorsed them to a considerable amount on account of the *company*—while *Black* was proceeding to make his preparatory arrangements; during which time he passed into good company with some *eclat*, and bought of a gentleman where he lodged $900 worth of bread, which he shipped for Philadelphia. He made several propositions for *large* purchases, to be paid with *bills*, or sometimes *specie*, which brought him into *notice;* and a description of his person being ascertained by a house here, they found him to be a man they had for some time had orders to arrest from their New York correspondent, of whom he had purchased flour, and taken French leave. A writ was forthwith procured and served for $800, when he declared entire ignorance of the gentleman to whom the money was due. He immediately sent for his friend, who having full confidence in him, went his security. Upon his return home, however, his friends from some suspicious circumstances, pressed him to examine the '*ponderous box*,' which, after consultation, was done in the presence of respectable testimony. The first bill of exchange found therein, proved to be the '*Alexandria Gazette*,' of the 6th August, and two other similar bills, dated the 7th and 9th; against which the security protested, but sought an indemnity of the *precious metals*, which by some *magic power* had been converted into 14 pounds of well packed patent shot. The astonishment of the gentlemen may be easily conceived. He lost no

time in going for the marshal and delivering him up, and he was lodged in jail the same night. Information was sent to Philadelphia to stop the bread, and letters sent to Europe relative to the bills, which it is hoped will reach their destination in time to prevent loss or injury. The said *Black*, escaped from prison on Wednesday night last. He is about 30 years of age, (to appearance) a native of Scotland, near six feet high, well made, dark complexion, with black hair and whiskers, and very white teeth —his appearance plain and neat, prepossessing in his manners, of some volubility in company, and possesses a fund of general information, and is well calculated to impose on unsuspicious persons.

HIGHWAY ROBBERS.

Norfolk, (Va.) March 4.—An attempt was made on Friday last by a couple of ruffians to rob some country people, who had sold large quantities of pork at this market, and were on their way home. The robbers came upon them in the dusk of the evening, a little way beyond Gosport, and demanded their money. From the first they received ten or twelve dollars, which being in specie they were satisfied with, and did not insist upon any further contribution from him; but another of the party being somewhat resolute, peremptorily refused *to deliver;* whereupon one of the robbers drew a pistol and fired it at him, but missing his aim, the intrepid countryman dealt him a blow which laid him sprawling. The other robber took to his heels and escaped; the prostrate wretch was secured, and conducted to the county jail; and his accomplice was shortly after apprehended and sent to accompany him. They were both dressed in sailors' cloaths. This is the first instance of highway robbery that has occurred in this part of the country within our recollection, and it is hoped it will also be the last.

DREADFUL DISASTER ON BOARD THE STEAM-BOAT ENTERPRIZE.

Charleston, (S. C.) Sept. 17.—About 6 o'clock on Sunday evening, as the steam-boat Enterprize, had just pushed off from Sullivan's Island, having on board 60 or 70 passengers, one of her boilers exploded, and dreadfully scalded and burnt ten passengers, who had taken shelter from the impending rain below the deck, and close to the mouth of the boiler which burst. Four were white men, and the remaining six negroes. No person on deck, or in the cabin, received the slightest injury; but such was the panic occasioned by the accident, that several narrowly escaped drowning from the haste in which they threw themselves into the water, and into one or two boats which were along side at the time. The anchor of the steamboat was immediately let go, and as soon as possible the unfortunate sufferers were removed to different houses on the island, where every thing that could be done for their relief was administered. Two of them, however, who were most severely scalded, died in the course of the night; they were, Mr. Jesse Roberts, son in law of Mr. Morgan, late a constable of this city, but who now resides in one of the northern states; and Mr. David Totten, a native of Long-Island, state of New York—both working at the business of tobacconists. Mr. John Bobbs, cooper, of this city, was also one of those dreadfully burnt, and was brought up to town yesterday, in a most

deplorable condition—he expired last evening. Mr. John Gribbens, of Savannah, was also a sufferer, but not in so serious a degree as the others. The negroes, as far as we could learn, are all living, though several of them are very badly burnt and disfigured.

THE EXECUTION.

Philadelphia, Aug. 12.—On Saturday morning last, about nine o'clock, a crowd began to assemble in the vicinity of the Philadelphia prison, to see *Richard Smith* brought forth, to be taken, pursuant to sentence, to the place of execution, to suffer death, for the murder of Capt. *John Carson*, in the month of January last. The crowd continued to increase, not only in the neighbourhood of the prison, but in the streets through which it was known he was to pass, until fifteen minutes after ten o'clock, when the gates of the prison on Sixth-street were thrown open, and the procession began to move forward. The public officers of the city and county, and many respectable citizens on horseback and on foot, preceded and followed the cart. The high sheriff of the county, from extreme indisposition, was unable to ride, yet a high sense of duty impelling him to be present, he was seated in a gig, with the coroner.

The impression made upon the crowd when the gates were thrown open and the cart appeared, was of a character of melancholy not easily to be described. Curiosity itself seemed hushed; not a sound was heard; a solemn silence pervaded the whole assembly. The running hither and thither of boys, the pushing of men, and crowding together of women, was all over, and mothers pressed their little ones to their bosoms with more than a mother's anxiousness. The cart was driven by the executioner, a black man; just behind him, and with his back toward the horse, on a low seat, was placed the unhappy Smith—by him sat the Rev. Mr. Hurley, the officiating minister of the gospel, who had attended him since his conviction. In the rear of the cart sat a gentleman who humanely volunteered to hold an umbrella over the heads of the clergyman and the prisoner, to shelter them from the rays of a blazing sun. The prisoner was genteelly dressed in a dark blue frock coat, and dark underclothes; the priest sat with his head and body inclining to the prisoner, who was in a similar position in relation to the priest; and thus devoutly intent upon the solemn religious exercises they were reading, the procession passed through the multitude. It moved with more than ordinary rapidity; for, notwithstanding the interruptions incident to crowded streets, and that the distance was a mile and a half, it reached the place of execution in thirty minutes from the time it had left the jail.

The cart being under the gallows, the priest continued in prayer with the prisoner for 15 minutes, when enquiry being made if the prisoner was ready, and an answer in the affirmative being returned, preparations for the last sad act appeared to be making, and the eyes of the thousands of spectators were directed with more than heretofore anxiety to the scene of sorrow. The priest rose from his seat —some friends of the prisoner pressed around the cart and grasped him by the hand for the last time. When Smith himself stood up, a murmur of pity was heard from every mouth! How could it be otherwise? A stripling about

five feet ten inches high, of an interesting aspect, deeply impressed with his awful situation—a youth, but in the morning of his days, stood before them in the full vigour of health, and yet but a moment, and he would be violently thrust from the stage of human life, and consigned to the grave. In his deportment there was no *display* of fortitude, but there was a manly resignation to his fate, and he seemed rather intent on the world to come, than the world he was about to leave.

REMARKABLE FACT.

On the 24th ult. in a gale, Mr. Woodward, brother in law of captain Glover, of the ship Milo, arrived at Boston, was lost overboard; and Mr. W's wife died the same day at Boston.

MURDER OF MISS HAMILTON.

Extract of a letter from the rev. Dr. Blatchford, to his sons in New York, dated Lansinburgh, March 26, 1817:—"I presume you have heard that Thomas Lent, of the borough about six miles above Waterford, has been committed to jail, as one of the murderers of Miss Hamilton. He was engaged in this guilty business with another of the name of Sickler, a native of the same town. Lent has confessed all the particulars, to which he has subjoined his signature. They are briefly as follows: Lent and Sickler had enlisted in the army, from which they deserted and returned home; but being pursued, they to prevent being taken, determined to go to N. York. Sickler resolved to violate the chastity of the first female he should conveniently meet. They met Miss Hamilton in Athens, near her father's house.—Sickler seized her with one hand round the waist, and with the other pressed upon her mouth. Lent took her legs. They carried her about a quarter of a mile up to the fatal bridge. There Sickler committed the rape, and (as Lent says) on account of the struggling and agonized resistance, Sickler asked Lent for his club, with which he broke in her skull, and having robbed her of her gold ear-rings, threw the body into the creek. They both ran and reached a barn about two miles below Catskill, where they slept that night.

"In the morning they got on board a Troy sloop, arrived soon after in New York, tarried there a day or two, and then returned on the west side of the river; stopped near Catskill, hired themselves out a month, stole horses, were overtaken, and committed to Catskill jail for the theft; broke jail and returned to the borough. After some time Sickler went to the westward, where he resided nearly ever since, in the county of Cayuga. But the eye of God is upon the wanderings of the murderer, and he often takes from him the common prudence of the human mind. It was so in this case. Sickler had given frequent hints, (obscurely indeed) that he and Lent had perpetrated the crime in question, but these hints were not regarded as any thing more than the vain boastings of abandoned villainy. At last, however, the thing was brought to light.

"Lent's wife was found by her husband reading; he asked her what; she said the bible; he snatched it from her, swearing bitterly, and threw it into the fire; she got it out again, and a quarrel ensued, in which he threatened her life, and told her he had killed one woman already, and would kill her. Her sister's husband, Isaac Arm-

strong, came in at this time, and heard the words. He mentioned them at a Mr. Trip's, at whose house Sickler had been brought up, and where he had boasted of the crime. This brought to their recollection what they had heard Sickler say in Lent's presence, and mentioned it to Isaac Armstrong. He came down to Waterford, and told it to Mr. Franklin Livingston, the deputy sheriff, who went up and took Lent at his own risk; summoned the witness; and after several examinations, Lent confessed the whole. Mr. Livingston, empowered by the Recorder of Albany and the Lieutenant Governor, sat off in pursuit of Sickler last week, and I hope by this time has got in safe custody the other monster."

MELANCHOLY.

Greensburg, (Penn.) Jan. 20.—On Monday evening last, James Black, stage driver, while driving the mail stage, seven miles west of this place, on the road to Pittsburgh, was frozen to death, and fell from his seat. This distressing event took place about day break, and the horses going on correctly as usual, he was not missed by the passengers in the stage until they had proceeded two and a half miles from the spot where he fell, nor until they were hailed by a person who had discovered the dead body, and followed them with the information.

ATROCIOUS AND UNNATURAL CRIME.

The following extraordinary case of the most atrocious crimes, has lately come to our knowledge —for its correctness in every particular we cannot vouch, but the mournful intelligence has been received from so many directions, that we are inclined to believe it substantially correct.

The public will recollect, that some 8 or 10 years ago, a man by the name of Jesse Wood, was executed in this town for having, as was at that time alleged, and proved, caused the death of his son Joseph Wood.

The old man persisted to the last in declaring his innocence—and it now appears that his declarations were true.

It will be recollected, that the principal witness against the unfortunate old man was his own son Kieh, or Hezekiah.

This monster, in human shape, has lately been called upon to render an account of his doings in this life; and, horrid to relate! he confessed on his dying bed, that he was his brother's murderer! and that in addition to this unnatural crime, he had been guilty of perjury; and thus caused his innocent father to suffer an ignominious death!—A just God has at length punished the unnatural wretch, and would not suffer him to depart hence, until he had made a full disclosure of his accumulated crimes, in the presence of a number of witnesses—he then gave him a prospect of the dreadful punishments that awaited him hereafter. The miserable wretch, after he had confessed his horrid crimes, declared that he saw Hell open, and the flames ascending ready to devour him.

May his awful death be a warning to others, and deter them from the commission of even the least of crimes—if the life of this wretch could be known, it is probable the commencement of his depravity might be traced to petty pilfering. Beware, then, of doing any thing that looks like crime, lest your end may be like his.

We have seldom heard of a more aggravated case of crimes of the blackest dye, and nothing but a desire of doing justice to the memory of an innocent and much injured man, could have induced us to give publicity to this atrocious case.

Let the tragic end of the elder Wood, be a warning to jurors—let it be engraven on the memory of every man who may be called upon to perform this solemn duty—and let them remember, that it is far better for "ninety and nine criminals to escape unpunished, than for one innocent man to suffer."

THE MISSISSIPPI TERRITORY.

The following view as to the population which the Mississippi territory is capable of sustaining, and its comparative magnitude in relation to the several states, was presented by Mr. Tait, of Georgia, when the bill for the admission of the western part of that territory into the Union as a state, was under discussion.

The Mississippi territory is 280 miles in width and 380 miles in length, from east to west, making by estimation in square miles 106,400

Add for that part of W. Florida united to the territory by law 7,600

114,000

The population of the above territory at 20 persons to the square mile, which was the population of New England at the last census, would be 2,280,000

Suppose the Mississippi territory divided, as proposed by the bill, the new state will contain in square miles, by estimation (viz. 180 miles in width and 280 miles in length from north to south) 50,400

And allow for that part of W. Florida included in it, 4,600 square miles 4,600

55,000

The population which this state could conveniently sustain (viz. 20 to the square mile) would amount to 1,100,000

The Eastern State.

The number of square miles, as per estimation 59,000

The population, as per data, 20 to the square mile, would be 1,180,000

But suppose this territory to be capable of the same population as the state of Connecticut actually had at the last census, viz. 54 to the square mile, then the whole territory will contain in time, at 54 to the square mile, a population of 6,156,000

The western state on the same data viz. 54 to the square mile, will possess a population of 2,970,000

The eastern state on the same data will possess a population of 3,186,000

	Square Miles.
New Hampshire contains	9,491
Massachusetts and Maine	46,250
Rhode Island	1,580
Connecticut	4,674
Vermont	10,237
New York	44,000
Total,	116,232

But little more than the Mississippi territory.

New Jersey contains	8,320
Pennsylvania	46,800
Delaware	2,122
Maryland	14,000
Ohio	39,128
Total,	110,370

Less than the Mississippi territory.

Virginia contains	70,000
N. Carolina	48,000
Total,	118,000

Little more than the Mississippi territory.

Little more than the Mississippi territory.

South Carolina contains	24,080
Georgia	62,000
Tennessee	40,000
Total,	129,080

Little more than the Mississippi territory.

Kentucky contains	50,000
Ohio	39,128
Tennessee	40,000
Total,	129,128

Little more than the Mississippi territory.

Dr. William Balfour, an eminent physician in Edinburgh, in the month of June 1814, completely succeeded in reuniting a finger which had been cut off by a hatchet. It had been separated from the hand at least 20 minutes, and when sent for by Dr. Balfour, was found to be as cold as any other inanimate substance; the blood was washed off with cold water and the wounded surfaces brought into close contact, and retained in that position for about ten days, when it was observed that reunion had taken place, and in a short time after the functions and sensations of the finger were perfectly restored. This highly interesting case is so well authenticated that the greatest sceptic cannot doubt of the facts contained in it. In January 1815, Mr. Bailey of Thetford, performed a similar cure by the same means. These two cases establish the principle that fingers and toes, although *entirely cut off*, ought not to be considered as lost, for they will *unite* if treated in the manner just mentioned. Dr. Balfour's case is, perhaps, the first on record where, after entire *separation*, *complete reunion* has taken place.—He has the great merit of being the first who has put the powers of nature to the test in this way, and all his expectations have been realized. Dr. Balfour appears to have been perfectly acquainted with the curious work of Taliacotius on the art of ingrafting noses, and the method practised by the Hindoos, from time immemorial, of replacing that part of the human face, as detailed in the Asiatic Researches, and in the Gentleman's Magazine for 1794. Mr. Carpue, a celebrated surgeon of London, last year, introduced the Hindoo practice to his countrymen, and has actually succeeded in the first attempt he made of replacing the nose on the face of an officer who had lost it in foreign service. Where the part of the nose cut off cannot be found in time to be replaced according to Balfour's plan, deformity may still be removed by the ingenius practice of the Hindoos. Those who wish further details on this very curious and interesting subject, are referred to the 5th vol. of the Eclectic Repertory, to the Asiatic Researches, and to Mr. Carpue's publication, which no doubt has reached the United States before this time.

SNOW STORM.

Montpelier, (Ver.) June 11.—The oldest inhabitants in this vicinity do not recollect ever to have experienced so extraordinary cold weather at this season of the year, as on the 6th, 7th and 8th inst. We are informed that on the morning of the 8th the snow drifts on many of the adjacent hills were more than a foot deep, Many sheep have perished with the cold; the birds have sought shelter by flying into houses, and great numbers have been found dead in the fields. Yesterday morning the frost was severe. To behold the earth covered

with snow, and the foliage of the field blackened with frost in the month of June, is an extraordinary sight, and affords but a cheerless and gloomy prospect to the hopes of the husbandman.

Milledgeville, (*Geo.*) *June* 5.—For some days past, the atmosphere has been dry and unusually hot for this season. On Wednesday last, the 29th ult. at four o'clock in the evening, the thermometer in a room, well ventilated, stood at 90. At the same hour on Monday evening last, it was still higher.

LIBERALITY OF CONGRESS.

With much pleasure, we observe, that the resolution, originally introduced in the Senate by Mr. Barbour, for the purpose of employing colonel Trumbull of New York, to execute four national paintings, has passed that house by a very large majority. It is a measure that will receive the approbation of a grateful and generous people. The present opportunity to preserve the form and likeness of those patriots to whom we owe, under Providence, our national existence, is a precious one, and if suffered to pass unimproved, will never, again offer.

Colonel Trumbull, the gentleman selected for the honourable task, is a son of the late revolutionary governor Trumbull of Connecticut, and entered the army which achieved our independence, with all the ardor of youth, in 1776. He was soon appointed adjutant-general to the army of the north, and served on lake Champlain and its shores under Arnold, when Arnold fought on the side of his country. He was then an aid-de-camp to Washington, and filled other conspicuous and important offices. But it is not so much of colonel Trumbull's merits as an officer of the army, that we speak on the present occasion, as of the great historical painter.

This country has produced an extraordinary number of painters of great eminence; of whom West and Trumbull must be allowed to occupy the first place, as historical painters; as Copley and Steward do as portrait painters.—West and Copley have been the pride of England, who claims them as her own. Trumbull and Stewart have returned to their native country to enrich and honour it by the display of their talents here. Colonel Trumbull was long the favourite pupil of West, and about the year 1785, he conceived and began to execute the great plan of painting a series of pictures, commemorative of the most glorious events of the revolutionary war, and the establishment of the national independence.

After finishing in London the *Battle of Bunker Hill*, and the *Death of Montgomery*, he returned home, and having with indefatigable zeal and industry, and at much expense, succeeded in procuring likenesses of several of his subjects, some in France, and some in London, he began his pictures of the *Declaration of Independence*, (which contains an excellent portrait of every distinguished member of that celebrated body of men,) the *Battle of Trenton*, *Surrender of Burgoyne and Cornwallis*, *&c. &c.* into all of which he has introduced the likeness of principal actors.—May the present congress do honour to themselves and their country, by liberally encouraging him to complete his arduous undertaking,

and by securing the benefits of them to the country. *N. Y. E. Post.*

GREAT EXPEDITION.

Baltimore, Aug. 1.—The schooner Manlius, Young, owned by colonel Tenant, of this city, sailed from this port on the 4th May last for St. Petersburgh; after delivering her cargo there, remained long enough to take in a full cargo, and returning arrived in Baltimore on Sunday last; the whole voyage out and home being performed in ninety-nine days, nearly twenty of which were occupied in delivering and taking in the cargo.

An intelligent broker in the city of New York informs, that the foreign imports into that city for the last year (1816,) ending on the first of this month, amounts to upwards of fifty-six millions of dollars.

The following interesting particulars, relative to colonel Boon, the first settler of Kentucky, were communicated to the Editors of the New York Columbian, in a letter from an officer at Fort Osage, Missouri Territory:—

"We have been honoured by a visit from colonel Boon, the first settler of Kentucky; he lately spent two weeks with us. This singular man could not live in Kentucky when it became settled. He has established a colony or settlement, as mentioned, on the Missouri, about 100 miles below us, which has been nearly destroyed by the Indians during the late war. The colonel cannot live without being in the woods. He goes a hunting twice a year to the remotest wilderness he can reach; and hires a man to go with him, whom he binds in written articles to take care of him, and bring him home, dead or alive. He left this for the river Platt, some distance above. Colonel Boon is eighty-five years of age, five feet seven inches high, stoutly made, and active for one of his years; he is still of vigorous mind, and is pretty well informed. He has taken part in all the wars of America, from before Braddock's war to the present hour. He has held respectable state appointments, both civil and military; has been a colonel, a legislator, and a magistrate; he might have accumulated riches as readily as any man in Kentucky; but *he prefers the woods*, where you see him in the dress of the roughest, poorest hunter."

GAS-LIGHTS.

Cincinnati, August 23.—It is extremely gratifying to find the *light* of scientific research illuminating our Western Horizon. Much has been said on the subject of splendid gas-lights in London, and of their introduction into the museums, &c. of our eastern cities; but, little was it expected that we should have the pleasure, at so early a period, of witnessing their successful introduction into this place.

Our steam-mill has been for several evenings past lighted in a very handsome style with *gas-light*, and will, we hope, continue to be lighted in this way. This event has taken place so much in advance of expectation, that it would not be preposterous to anticipate the pleasure of seeing, in a short time, our streets illuminated with gas-lights.

EXTENSIVE FIRES IN THE INTERIOR.

For several days past, says the Portsmouth Oracle of May 1, the

atmosphere in this vicinity has been filled with such thick smoke as sometimes to render the sun so dim as to be viewed without pain to the eye, and nearly to eclipse the moon. This smoke proceeded from the fires now burning in the back part of the state. At Gilmanton on Tuesday last, the woods being on fire, an explosion took place which threw up the trees and timber to the height of 60 feet, and a column of fire was raised as high as the eye could reach, to the extent of about 5 rods square; this happened on the land of Mr. John Thurston, about four miles east of the academy, between 1 and 2 o'clock, A. M. attended with a noise similar to an earthquake, and lasted a minute or two. The fires extended to Guilford, Alton, Barnstead, New Durham, Farmington and Rochester. We also hear that in the county of Grafton, in the towns of Plymouth, Rumney, Wentworth and Warren, very extensive fires raged; as also in the town of Kennebeck river.

MR. GEORGE CROWNINSHIELD'S YACHT.

New-York, January 30.—In addition to what has already been published respecting this splendid vessel, the editors of the New-York Gazette have been favoured with the following description, taken by a person who visited her.

"This yacht is 205 tons, a perfect model of beauty in architecture. The after cabin for masters, mates, and secretaries, is ten by fourteen feet in the clear; next forward is the dining room, twenty-two feet by nineteen in the clear, which is finished with mahogany and bird's-eyed maple, with a richly ornamented top or crown; six inches below which is an eagle's head holding a cornucopia, gilded and burnished, in its mouth—then a mahogany framed door of three feet wide, with bird's-eyed maple pannels, and so alternately through the room. In the centre bar of each door is a mirror, as well as in the sides of the room. The top of the room is white, ornamented with four strings of gilded bead work to each curling, all handsomely varnished. Over the dining room and after cabin is a sky-light extending from within three feet of the mainmast to within three feet of the rudder-head. In the dining room are four lockers or buffets, filled with plate and cut-glass. The remainder of the side room are closets and sleeping births. In this room are two sofas, superior, in elegance, to any in this country, being framed with mahogany, bird's-eyed maple, and brass, and trimmed with crimson silk velvet, gold lace and fringe, together with twelve elegant chandeliers in the centre. At each end is a large and elegant mirror supported by a cornucopia of burnished gilt. The doors leading into the after cabin from the dining room are mirrors, so that Mr. Crowninshield and his companions may be entirely separate from the officers, there being a passage way from the deck to the after cabin independent of that which leads to the dining room.—The dining room, officers' room, passage way, state rooms, and stairs, leading to the dining room, are covered with elegant Brussels carpeting, the colours of which correspond with the finishing and furnishing of the rooms. Next on the larboard side is Mr. Crowninshield's sleeping room, which is eleven feet square; in which is an elegant full bed with appropriate furniture; and

then his baggage room of similar size. On the starboard side forward of the dining room, is the steward's room and china closet—next the captain's state room, store rooms, &c.—then comes the kitchen, which is twenty feet square, combining every possible convenience, having in it one of Mr. Youle's patent cambooses, &c. Next forward is the forecastle, in which the crew mess and sleep, where is also a school-room, for the tuition of those who may wish instruction.

The head of this elegant yacht is a beautiful female figure; and the stern is richly ornamented with carved work, &c.

The amount of ardent spirits, of foreign and domestic manufacture, consumed annually in the United States, is little short of thirty-four million gallons. In 1810, when the last census was taken, the amount was ascertained to be 33,365,529.

A NEW DISCOVERY OF THE VALUE OF CARROTS.

Newport, December 15.—This root, although but little thought of by some, is well known by others to far exceed all others in value to fatten horses, cows, and sheep, and if boiled and pounded with meal, is worth at least one third more per bushel than potatoes for for fattening hogs. They have also been proved to exceed all other roots in making puddings; but of late have been tried with the greatest satisfaction, with barley meal, which meal, although in great demand, yet unfortunate it is, that with most persons it produces the heart-burn, or sour stomach. Take good sweet carrots, boil them soft and pound them very fine with barley meal, with considerable fine salt, and bake it before the fire in cakes, and it will completely prevent the sour stomach and heart-burn, and give a sweetness to your bread, of which the barley of itself is entirely destitute. It will bear to be nearly one half carrots.

MAPLE SUGAR.

Plattsburgh, (N. Y.) June 22.—The board of assessors of the town of Plattsburgh have taken an estimate of the quantity of Sugar made the last season, by each individual assessed—which gives an aggregate of *sixty-four thousand pounds.* Much of this sugar is of a quality not inferior to Muscovado—which is selling at twenty-five cents per pound.—At an average of sixteen cents, the sugar made in town would amount to something more than ten thousand dollars.

VEGETABLE WONDER OF SOUTH-CAROLINA.

In a letter to a citizen of New-York.—I believe I did not give you a description of a live-oak tree upon Beaufort-Island, which we visited, near Dr. Rhodes's. It is situated on a point of land approximating the Broad River. This giant of the forest, at some little distance, appeared like a thick clump of woods, rather than a single tree. Its stem is about fourteen feet to the branches, which are like so many huge trees, putting off almost horizontally, about sixty feet either way, and spreading over a circumference of about forty yards, or one hundred and twenty feet diameter. The stem is thirty-two feet five inches in circumference, and nearly all the way of a thickness. The tree never grows very tall; its shape resembles one of our low

spreading full grown apple-trees. The age of this mammoth is not known—Mrs. Rhodes, eighty-four years old, knew it a monstrous tree when she was in her teens.

GEORGIA SUGAR.

Extract of a letter from Georgia to a Member of Congress.—"The cultivation of the cane is rapidly extending with us. I have received some information on this interesting subject, which, I suppose, may be gratifying to you.

"Major Butler, on eighty-five acres, cultivated by seventeen hands, produced 140,000 lbs. sugar, and 75 hhds. molasses.

"John M'Queen, Esq. planted forty-eight acres in cane—average product 20,000 canes per acre—5000 canes, the product of a quarter of an acre, yielded 600 gallons of juice, which boiled down, made 672 lbs. sugar, and may lose 50lbs. in draining, leaving 622 lbs. or 2488 lbs. of sugar per acre."

A BED OF SALT.

An extensive cave of native epsom salt or sulphat of magnesia, has been discovered in or near Corydon, (Indiana Territory). Salt of every variety of crystal, is said to be arranged in all that fanciful splendour, which decorates the grotto of Antiparos.

A VALUABLE MAN.

Divid Wilson, of Port William, Gallatin county, Kentucky, is 78 years of age—he has had FOUR WIVES, and by them FORTY-TWO CHILDREN. His oldest child is but sixteen years younger than himself. His second wife had five children at two births in eleven months. Mr. Wilson is a native of Pennsylvania—converses with ease and affability, and supports his family by labour.

He has worn a hat twenty years, which is still passably decent.

RAPID TRANSPORTATION.

Wagons with upwards of 3500 pounds weight, have reached Pittsburg in thirteen days from Philadelphia.

Potatoes, imported from Ireland at the cost of *eight pence* per bushel, sell at Baltimore for *two dollars*—at Philadelphia *one fifty*. The price of the same article in Boston (of home growth) is from fifty to seventy-five cents, according to the goodness.

THE WEATHER.

Charleston, (S. C.) July 24.—For five or six days past the weather has been unusually hot, the thermometer generally ranging about 90 degrees. Yesterday the mercury rose to 93 and 94, in cool situations, and so intense was the heat, that two or three persons dropped down in the streets, and expired almost immediately.

SLAVERY.

Richmond, September 11.—An experiment is making in the west, which will shed light upon a much agitated question in political economy: how far domestic slavery retards or accelerates the advancement of a nation to wealth?

The *Ohio* river is the line, which exactly defines the boundaries of the experiment. To the south, are the states which permit the existence of slavery—to the north, those states which forbid it. Kentucky, Tennessee, the Mississippi territory, admit of slaves; the *state* of Ohio has forbid it by the very constitution of her government. The second state, which exists north of the river, is that of Indiana, the youngest state in the

union. Her constitution expressly states, that as involuntary servitude is forbidden by principle,—"no alteration of this constitution shall ever take place so as to introduce slavery, or involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted."

It is probable, that the same feature will run through all the north-western region—and as the Michigan and Missouri territories shall fall into the ranks of American states, an eternal prohibition will be raised by their constitution to the introduction of involuntary slaves.

The Auction sales tax, paid by Messrs. Hones and Town of New-York, during the year 1815, was $131,522 30, on account of sales $6,579,615.

EMIGRATION EXTRAORDINARY.

Bridgeport, (Con.) March 5.—On Saturday morning last, passed through this borough on their way to the state of Ohio, a family, consisting of seven persons; the father, a man of about 56 years of age, his wife, and four children; the eldest, a daughter of about 20, with her husband; a boy of 12 years, a little girl of 4, and an infant of only 7 months. Their mode of travelling was on foot, the two men dragging after them a small vehicle, rudely formed of boards, about 5 feet long, by 3 and a half in width, mounted on small wheels or trunnions, raising it not more than eight inches from the ground, in which was contained their baggage, provisions, &c. and on the top were placed the two younger children, making, by no means, a light travelling draft for a stout horse. In this manner they had already travelled more than 500 miles, from Three Rivers, in Lower Canada, (which they left on the 4th of January,) by the way of Boston, and had yet to perform a much greater distance. Their whole appearance, though shrouded in poverty, was that of perfect honesty and temperance, and gave undoubted evidence of their persevering industry, which we are happy to add, attracted the attention, and excited the commiseration of our citizens, as they passed the streets, and procured for them considerable donations in money, provisions, &c. On resuming their march, sleighs were gratuitously provided, which conveyed them to Fairfield, at a more cheerful rate, where we are gratified to learn, they experienced similar acts of benevolence.

March 12.—A most extraordinary instance of preservation occurred in New Preston, Connecticut, on Friday the 2d of March. A child of Mr. Elijah Crosby, aged three years, had, in company with a little brother, about six years old, been playing near the summit of a precipice which forms the bank of the stream at Coggswell's mills, unfortunately fell from the top of a perpendicular rock on a rocky bottom below, a descent of 30 feet, and struck on his head. The elder brother gave the alarm, and it was fifteen minutes before assistance came, when it was picked up apparently lifeless, but soon revived; and, astonishing to conceive, was found to have sustained no other injury than a severe flesh wound on the forehead, and in the course of a day or two was able to pursue his wonted amusements.—*Con. Courant.*

Fayetteville, (N. C.) August 15.—The following instances of longevity, will tend to show the salubrity of North Carolina. There is a general impression abroad, that our climate is extremely obnoxious, and that its inhabitants are more short lived than in other of the southern states. This erroneous opinion may have been induced from the unhealthy atmosphere of the sea board, at certain seasons of the year.—But it is a known fact, that, in the interior, and even in this town and vicinity, which is a little more than 100 miles from the sea, the climate is, with moderate attention to health, as salubrious at all seasons of the year, as that of any of the northern states.

There are now living in the county of Warren, in this state, within a circle of 12 miles diameter, 16 persons between 80 and 90 years of age—12 from 70 to 80—12 from 60 to 70. A child was lately born within this circuit whose father was 84, and the mother 57, at the time of the birth.

Remarkable instance of Longevity in the district of Maine.—Mr. Edward Scribner, of Otisfield, attained to the age of *one hundred years*, on the 1st of December, 1815, and Mrs. Sarah, his consort, to the age of *ninety-six years*, on the 9th of November, 1815. Both are remarkable, not only for their present state of health, sprightliness, and activity, but also for their industry, prudence and economy.

HYDROPHOBIA.

March.—On Wednesday last medical aid was called in to Mr. John Wolf, near Germantown, who complained of a violent pain in the shoulder extending to the neck. It was supposed to be a rheumatic attack and treated accordingly. On Friday, when Dr. Runkle saw the patient, who was about 22 years and six months old, he was struck with an expression of wildness in the eye, and a general aspect of alarm. These symptoms, for the first time induced an idea that the case was very different from what it had heretofore been supposed. The doctor asked for some water; as soon as it was brought, the patient shrunk back with alarm;—the water was then taken out of his sight and poured from one vessel to another; the sound produced a still more serious alarm in the patient, and left no longer any doubt as to the nature of the disease. Upon strict inquiry it was found that Mr. Wolf had been to Philadelphia in the month of December last, and was bit in the calf of the leg, through his woollen pantaloons, by a small dog: no apprehension was excited, nor did any suspicion arise of any ill consequences until Friday last.

The nature of the disease being ascertained, Mr. Wolf felt his situation, and expressed his conviction that his death was inevitable. He requested his father to put him in irons—this his father refused to do; the young man then had the irons procured, put a padlock on, locked it and gave the key to his father. He then desired to see the Rev. Mr. Wack, with whom he had much religious conversation, prayed with fervor and resigned himself to the will of his Creator. Soon after the departure of Mr. Wack, the disorder attained its height, and Mr. Wolf died about 6 o'clock on Saturday evening. He was interred in the German Reformed burying ground,

near Germantown, on Sunday last. His remains were followed by a great number of relations, friends, and neighbours, who were deeply afflicted at his loss, and the melancholy circumstances which preceded it. The funeral service was performed, and a sermon from the following words delivered by the Rev. Mr. Wack,—"Seek the Lord and ye shall live, lest he break out like fire in the house of Joseph, and devour it, and there be none to quench it in Beth-el." *Amos* v. 6.

PRESENCE OF MIND.

New York, May 21.—Yesterday forenoon, one of the most singular and successful instances of presence of mind, occurred in William street, that perhaps ever happened. Mr. Talman Lowere, painter, employed on Mr. Sterling's house, while on the top of his ladder, discovered a horse running with his cart in the direction of the foot of the ladder. The painter instantly leapt from the ladder, and seized the cornice gutter. The cart knocked down the ladder, but the man hung to the cornice until it was raised again by the by-standers to his relief,—having thus, no doubt, providentially saved his life, by his presence of mind.

Albany, Oct. 4.—*A real tragedy* was exhibited at Sacketts' Harbour a few days since, before a large company of spectators. Attached to the show-bill of a wire-dancer, appeared an advertisement of an Italian sailor, who promised to exhibit wonderful feats, such as the spectators had never before seen.—Curiosity attracted a very full house. After the first had performed his part of the entertainment, the sailor entered, called for a blanket and pillow, and laid himself down upon the floor. All eyes were turned towards him in anxious expectation, when he drew from his bosom a pistol, clapped the muzzle to his ear, and *blew out his brains!* This closed the entertainment.

EXTRAORDINARY AND SHOCKING OCCURRENCE.

Lumberton, N. C. June 18.—The following shocking occurrence is copied from the Fayetteville North Carolina American, of June 21:—On Friday afternoon, the 7th inst. Mrs. Anna Ratley was riding across the Gum Swamp, (about 12 miles from this place,) where the water was but little more than knee deep, the beast on which she rode was attacked by an alligator, and in the struggle Mrs. Ratley was thrown, and the moment she fell, the monster seized, bit, and mangled her most horridly, of which wounds she died on Monday evening last. Her husband and brother were near at hand and ran to her assistance, and in rescuing the woman, one of the men received a blow from the alligator without sustaining much injury, and after shooting seven or eight times, they succeeded in killing him; he measured 11 feet in length.

JUDGE RANDOLPH'S AFFAIR.

Richmond, Virginia, June 15.—We learn with pleasure that Judge Randolph, who was lately shot by *Thomas Wells, Esq.* a member of the Assembly for *Nottoway*, is on the recovery. Mr. W. has published a justificatory statement on the subject. He says, that having long had a controversy with Judge R. he expected to be attacked by him, and had prepared to resist him.—That being apprized by his

wife that the Judge was approaching his house, he armed himself, and stood at his door.—That he found him advancing, with his eyes steadily fixed upon him, with a whip in one hand, and the other concealed in his bosom.—That when at speaking distance, he (W.) demanded if R. meant to attack him? No reply was made; but the Judge advancing within ten feet, raised his whip, was drawing his hand from his bosom, exclaiming, "Are you the damn'd rascal, that"—when W. fired, and lodging two balls in the Judge, stopped his further speech. The Judge staggered 14 yards, and fell; and was found to be armed with *four pistols*. Col. Greenhill, who accompanied Judge R. finding him wounded, advanced on *Wells*,—who said, "*and have I got to fight you too?*"—and receiving no answer, but finding him continuing to advance, he fired on him also, and wounded him, but not mortally. He fell, and was found to be armed with a pistol and a dirk.

The dwelling house at the Creek Agency, occupied by the family of the late Col. Hawkins, has been consumed by fire, together with the furniture and papers, including his valuable manuscripts. Much of the Colonel's leisure from official duties, had been devoted to science and literature, and his friends had consoled themselves at his death with the reflection that his works had not perished, but would survive him, to enlighten his countrymen and immortalize their author. By this accident, the public have lost more than his family. No man living was more conversant with the character of the North American Indians, or better knew the habits, customs, and traditions of the Aborigines.

A Cat Fish was taken by a trout line, opposite Cincinnati, Ohio, on Monday last, the dimensions of which, by actual admeasurement, were, five feet and an half in length, four feet girth, twelve inches between the eyes, and nineteen across the breast, weight *one hundred and seventeen pounds!* Such was the power of this fish, that the men who took him were obliged to shoot him, in order to get him to shore.—*Western Spy.*

STEAM BOATS.

Louisville, (*Ken.*)—The elegant, and well built steam boat Buffaloe, captain Sturges, arrived here from Pittsburgh, on Thursday evening last. She dropped down to Shippingport, after a display of her immense power, by different tacks in the strongest current on the falls in view of the town. Yesterday she returned to this port, over the falls, stemming the bold and heedless current with ease. She will clear this port on Monday next, for New Orleans, laden with tobacco, flour, and passengers.

Arrived at Shippingport on Thursday, the large and elegant steam boat Etna, captain Robeson De Hart, from New Orleans, laden with sugar, coffee, wines. queensware, raisins, fur, sheet lead, &c. The amount she will receive for her freight will exceed 25,000 dollars. Whilst the steam boats are in charge of such persevering and skilful officers as the captains of the Etna and Buffaloe, we need not fear of success in ascending the western waters to any navigable point. Already do we view the commerce of the West fast falling into that channel which nature and our interests so

plainly point out. The discovery of the use of steam, has so effectually removed those obstacles which the length and rapidity of the Mississippi so formidably presented to boats propelled by personal labour alone, that a trip from this place to New Orleans, and back, can be performed in 35 or 40 days—the property freighted through this channel infinitely less liable to damage, and transported at less than one half the cost of the tedious, disagreeable route across the mountains.

Arrived a few days since, from New Orleans, a fine barge, the property of John A. Honore, esq. of this place, laden with groceries, &c.

Passed the Falls this morning, a large barge, captain Campbell, from New Orleans for Maysville, Mason county, laden with groceries, queensware, &c.—*Louisville Correspondent.*

Salem, (Mass.) December 21.—By a gentleman from Newburyport, we yesterday received the following particulars of one of the most atrocious highway robberies ever committed in New England:

Mr. Elijah P. Goodrich, (a respectable trader of Bangor, Maine, formerly of Danvers) on his way to Boston, was assaulted on Thursday evening last, between the hours of nine and ten, by three foot pads, between the Chain Bridge and Newburyport, about half a mile from the toll-house. One of them seized the bridle of his horse, and another, stepping near him, demanded his money. Mr. G. under pretence, told him he should have it, and immediately felt in his portmanteau as if to take it out, but seized his pistol and turned round to shoot the robber, when he found a pistol at his own breast. While attempting to beat the pistol aside, the robber discharged it and shot Mr. G. through the hand. Mr. G. discharged his pistol at the same time, but without effect. They then pulled him from his horse, dragged him into the adjoining field, stuffed a handkerchief into his mouth to prevent his making a noise, gave him several severe blows on the head and breast, and then proceeded to rob him, which they shortly effected, and disappeared, leaving him in a state of delirium from the severity of his wounds. When he had in some degree recovered, he went to a neighbouring house, and gave some account of what had taken place. Two men were returning with him to the spot, when, from the anguish of his wounds, and the loss of blood, he fainted on the road. He was carried back to the house, and, by the help of a physician, he recovered, and was able to relate distinctly all the circumstances. A number of persons set out for the place; on the road they found his pistol and whip, and by the marks of blood traced into the field, found his watch, his papers, and a small part of his money scattered about the field. The villains took about seventeen hundred dollars, in gold, silver, and bank bills.

PRODUCTIVE COW.

A cow, belonging to the hon. David Daggett, a senator in congress from Connecticut, in seven months gave milk at the average rate of 14 quarts a day, amounting to 2968 quarts. This, at $4\frac{1}{3}$d. the quart, (the current price in New Haven) yielded $185. She was fed with hay, potatoes, bran and oil-

cake. The expense of keeping it did not exceed $45—net gain $140.

EXTRAORDINARY CALF.

A calf was raised by Jonas Wade, esq. of Springfield, E. J. which was butchered on the 25th August, at the age of 4 months and 13 days, the several parts of which weighed as follows:—

Hind quarter,	75 lbs. each,	150 lbs.
Fore do.	70 do.	140
Hide	46	46
Tallow	22	22
Nett wt. of veal, hide and tallow,		358

MASSACHUSETTS GENERAL AND LUNATIC HOSPITAL.

Boston, Dec. 6.—On Thursday last the committees of the wards in this town commenced the business of obtaining subscriptions for the hospital. They met last evening at the Athenæum, to report progress, when it appeared, although a considerable part of the town remain to be visited, the following liberal amount has been subscribed.

General Hospital	$57,413 50
Insane Hospital	21,688 50
In the Treasurer's hands	6,000 00
	48,802 00

The above amount is exclusive of the province house, given by the legislature, estimated at 50,000 dollars.

THE JEWS.

The following list of the number of Jews in the towns and countries of Europe, in which they are most numerous, is collected from documents recently published:

In six Districts of Poland,	20,000
In several other Districts, say	15,000
In Germany,	200,000
In Konigsburg and Dantzic, (Prussia)	1,500
In Hungary,	75,500
In Gallacia,	80,000
In Constantinople,	90,000
In Salonissi,	12,000
In Aleppo,	5,000
In Hebron,	8,700
In Jerusalem,	11,000
In Smyrna,	1,200
In Venice, upwards of	4,000
In Ancona,	5,000
At Rome,	9,000
At Leghorn, more than	15,000
In Bohemia,	40,000
In Moravia,	27,000
Total,	619,900

HORRID MURDER.

It has fallen to our lot to record an instance of atrocity, rarely to be met with in the annals of human depravity.

During the afternoon of Friday last, a stranger called at the house of Mr. Hugh Fitzpatrick, in Bloomfield township, Crawford county. He was kindly received by Mr. Fitzpatrick and wife. They invited him to stay over night, and a bed was made for him before the fire on which to repose. About 2 o'clock in the morning he rose, took an ax, went to the bed where Mr. F. was sleeping, and deliberately sunk it into his head! He drew the body out of the house, and then ordered Mrs. F. to deliver what money she had, which she did, amounting to about $40. He told her she must proceed with him to Canada, and directed her to go to the stable and bring out two of the best horses. She went, but soon returned and told him she could not get them, and desired him to go for them himself. He left the house for that purpose. In the mean time Mrs. F. took up her child, about 5 weeks old, and hastily made her escape. After proceeding a short distance, fearful of pursuit, she left the road and took shelter under a fallen tree, with her infant in her arms and a small dog, that had followed her, by her side.—She had scarcely secreted herself when she heard this inhuman monster in pursuit of her, calling her by name—occasionally whistling for the dog—

and frequently uttering the most horrid imprecations, if he got her, to treat her as he had done her husband.—He approached within a rod of her—but providentially both the child and the dog remained quiet. When she discovered that he had returned to the house, and finding that she must inevitably perish, with her child, in that situation, from the severity of cold, she started, and after wandering through the woods and a deep snow, happily reached the house of her nearest neighbour, a distance of two miles, in a state of body and mind more easily conceived than described. The arms and legs of her infant were found to be severely frozen.

The alarm was soon given and pursuit made for the murderer. On Sunday a person, who calls himself George Spitt Vanhollen, was found encamped in the woods, about four miles from where the murder was perpetrated, under circumstances manifesting the strongest evidence of guilt, and on Monday he was committed to the prison of this county.—*Crawford Paper.*

DREADFUL ACCIDENT.

Extract from a letter from Bristol, (Maine) dated Feb. 7, 1816.—One of the most distressing occurrences took place in the town of Jefferson, last night, that was ever known in this district. The dwelling of Mr. William Whitehouse was consumed by fire, with its whole contents, furniture, bedding, and what is most distressing, *himself, wife and three children perished in the flames!* Mrs. Whitehouse had been confined four days in childbed. Herself and infant slept in one bed, and two children in another bed, in the same room. Mr. Whitehouse in another room, with two other children, and the sister of Mrs. Whitehouse slept in another apartment. From the information obtained from the surviving children and woman, it seems Mr. Whitehouse, discovering the house to be on fire, caught the two children that were with him, and threw them out in the snow, and, being almost suffocated with smoke, ran out at the door to recover breath; then returned, and caught his wife's sister, and threw her out of a window of the lower apartment, who was insensible of her situation till awakened out of doors. He then attempted to rescue his wife and other children. but perished in the attempt. After the house was consumed, there was nothing of the remains of the three children to be discovered, but part of the bones of Mr. and Mrs. Whitehouse were seen, and, from the position they were in, it would appear she had gotten out of bed, and was near the door that led to the entry, and that he lay in the entry. He undoubtedly was smothered before he could reach the room where his wife and children were. It is supposed by many that the fire caught by ashes being deposited in a wooden box; my opinion, however, is, that there was a fire left burning in the sick woman's apartment and that a brand fell out on the floor. This ought to serve as a solemn warning to all not to take up ashes in wooden vessels, nor to leave fires burning without some person to watch them.

MISSION TO THE SENECAS.

[The Rev. Timothy Alden, president of Alleghany College, in Meadville, Pennsylvania, has given an account of a visit which he lately made to the Seneca Indians, from

which we have made the following extracts.]

From Owen's ferry on the Connewango, about fourteen miles above its confluence with the Alleghany at Warren, to the first Indian huts, is twelve miles, ten of which is a new and excellent wagon road over a lofty ridge of easy ascent, but through a dreary wilderness without one human habitation. After riding most of the day in a cold and continued rain, we were glad to find a shelter in the cabin of Peter Crous, who lives on the banks of the Alleghany. Here we experienced "no little kindness." Our host, a German by birth, was taken in the revolutionary war at the age of fourteen, and adopted as one of the Seneca tribe. He appears in the Indian costume and with his ears slit. His habitual language is that of the soft, melodious, and truly Ionick Seneca; yet he is able to converse in the English. His squaw is a well-behaved, neat, and industrious woman, and they have a numerous family of fine looking children. He gladly received one of our Bibles, of which we took a number from our Bible Society for distribution. Although he cannot read, yet his children are learning, and he expressed the hope of one day profiting, through their aid, by the contents of this sacred book.

The following morning we bent our course down the Alleghany, in a narrow foot path, through the woods, seven miles to Cornplanter's village. The site of this, which comprises about a dozen buildings, is on a piece of first rate bottom land, a little within the limits of Pennsylvania. It was grateful to notice the present agricultural habits of the place from the numerous enclosures of buckwheat, corn, and oats. We also saw a number of oxen, cows, and horses; and many logs designed for the sawmill and the Pittsburgh market.

Last year, the Western Missionary Society, at the urgent request of Cornplanter, established a school in this village, the present master of which is Mr. Oldham. We repaired to his house and were kindly entertained. Cornplanter, as soon as apprised of our arrival, came over to see us, and immediately took charge of our horses. Though the chief sachem of his tribe, and having many around him to obey his commands; yet, in the ancient patriarchal style, he chose to serve himself and actually went into the field, cut the oats, and faithfully fed our beasts, from time to time, while we continued in the place.

On our first introduction to him, I told him I was a *jis-ie-a-te*, the name, in his language, by which clergymen are known. A meeting was appointed at the school house, in the afternoon, which was well filled, mostly by Indians neatly clad, though, in some instances, with a display of stars, and other ornaments, for which they have a great predilection. A more attentive audience I never had. During prayer, Cornplanter's lips, as it was afterwards remarked, were in continual motion. How much of what was delivered was comprehended, I cannot state; yet, it is supposed, these people understand much more of the English than they, in general, are willing to acknowledge, though they show a reluctance at conversing in any language except their own.

We visited the school and were much gratified at the order, attention, and proficiency of the pupils. At the time we were there, it consisted of eleven Indian boys, from

ten to fifteen years of age, and eight or nine white children. It is altogether owing to the exertions of Cornplanter, that any have been persuaded to send their children to the school, though instruction is gratuitous, and little rewards are occasionally bestowed on it for encouragement. However, some begin to feel interested in this establishment, and, to induce their boys to attend it, give them a severe task in some kind of work, which they must perform, as the only alternative, if they refuse to go to school. This regimen has had a good effect, and the boys are become attached to their instructor, a worthy, pious man, and to the business of learning. They now spell words of four and five syllables remarkably well, considering all circumstances, and some are beginning to read easy lessons without spelling.—The government of the school would be an irksome task but for the aid and sanction of the noble spirited chief and of the parents of the scholars. On the whole, this institution is in as flourishing a condition as one could reasonably expect. It lies much upon Cornplanter's heart. He says he often prayed to the Great Spirit in reference to such an institution for the benefit of his benighted tribe, before it was established, and that he still prays to him for its prosperity.

The success attendant on this attempt has induced the Missionary Society to contemplate fixing another Indian seminary at Cold Spring, fourteen miles farther up the Alleghany, where there is a more numerous population.

Cornplanter is not only desirous that the youths of his tribe may be instructed in useful learning, but he now wishes for the light of the gospel. It was his particular request, that a minister might be sent to his settlement to teach the religion of Jesus. In accordance with his views, the society has repeatedly directed its missionaries into his country.—How much is it to be regretted, that no preacher of the gospel is to be found who can address the Senecas in their native tongue! It is not to be expected that one half of the effect should be produced by the medium of any interpreter. Why cannot some one be procured, of the right faith, knowledge, and zeal, to devote his life to the spiritual interests of this tribe? If such a person were to reside with this people, instruct their children, learn their language, and preach in it the doctrines of grace pure and undefiled, who can calculate the blessings, which, there is reason to believe, would ensue? How many precious and immortal souls would be brought from the darkness and delusion of heathenism into the glorious light and heart-cheering truths of the religion of Jesus! If, however, no one, in this happy day of missionary efforts, is to be obtained in any of our schools of the prophets, destined in Providence for fulfilling the wishes of Kiendtwohke, let us indulge the hope, that some of the promising pupils of the school in his village, are to become the future able and successful missionaries of his nation.

Last year at a council of the tribe, Cornplanter made an eloquent speech of two hours' length, in which he gave a lucid history of his life. He stated that his father was a white man from Ireland and that his mother was a Seneca; that he had always been attached to the tribe; that he had been zealous in their way of wor-

ship; but that now he was convinced they were all wrong; that he was determined to devote himself to *the way, in which the ministers walk*, meaning the Christian religion. *I know*, said he, *that we are wrong. I know that they are right. Their way of worshipping the Great Spirit is good. I see it; I feel it; I enjoy it.* In this happy and persuasive manner did he, with his imperfect knowledge, plead the cause of Christ. In one part of his animated address, when speaking of his former views and habits, his language seemed to be like that of Paul giving a representation of his pharisaic zeal in opposition to Christianity; in another part, it was like that of Joshua stating his pious resolution to the tribes of Israel at Shechem. How much of the gospel plan of salvation this venerable sachem understands, it is difficult to ascertain; yet, from the speech already noticed; from his subsequent, as well as previous, occasional remarks, so far as collected and comprehended; from his discountenancing the annual sacrifices, to which most of his tribe is still attached; from the demolition of the idol, a few years since, which was long a conspicuous object of adoration in his village; and, especially, from his late exertions for a preached gospel, is there not reason to conclude, that the Holy Comforter has so enlightened and prepared his mind, that he only needs an explanation of the religion of Jesus, to embrace it with all his heart.

Cornplanter has been the greatest warrior the Senecas have ever had; yet he has always been remarkable for his humane treatment of the women and children of his enemies, who at any time have fallen into his hands. He is a man of a strong mind and masterly eloquence. At the treaty of Fort Stanwix, he greatly distinguished himself by his talents and address, insomuch that, by general suffrage, he has ever since held the first place of power among the chiefs of his nation.

He appears to be about sixty-eight years of age, and five feet ten inches in height. His countenance is strongly marked with the lines of intelligence and reflection. Contrary to the aboriginal custom, his chin is covered with a beard, three or four inches in length; and upon his head are many of the blossoms of age. His house is of princely dimensions, compared with the generality of Indian huts, and has a piazza in front. He is the owner of 1300 acres of excellent land, six hundred of which encircle the groundplot of his little town. From the United States he receives annually, according to stipulation, two hundred and fifty dollars, besides his proportion of nine thousand dollars equally divided, one half in goods and one half in money, among those of every age and condition in the tribe.

The following is a list of the names of some of the Seneca chiefs.

Ging-guesh-tah, Big Smoke;
Ah-guah-di-e-a, Hot Bread;
Sau-kin-ju-oh, Big Fish;
Se-non-je-woh, Big Kettle;
Ki-o-da-gu, Settler of Disputes;
Sha-dik-hau, Tall Chief;
Te-gil-end-hah, Black Snake;
Ken-juh-qua-de, Place of Many Fishes.

Cornplanter's brother, called *the Prophet*, a man of small influence, lately deceased, was known by the high sounding name of Goskuk-ke-wa-na Kon-ne-di-yu, Large Beautiful Lake.

THE SKELETON OF AN ENORMOUS FOSSIL SHARK.

The teeth of the fish lately dug out of the ground, near Murfreesville, on the Meherrin river, in North Carolina, are triangular, with a base of four inches and a half, and sides of six inches, ending in a point. They are, perhaps, larger than any that are known, weighing *sixteen ounces* each. Dr. Mitchell, on laying them before the class of Natural History, in the University, a few days ago, presented also, a joint of the back bone of the same animal, in a petrified state, weighing *twelve pounds and a half.* He accompanied the specimens with the information derived from the intelligent Mr. Neville, that this disinterred skeleton was found at the distance of fifty miles from the ocean; and, as examined by himself and Dr. Forster, near forty feet in length. The mind of the contemplative and pious is filled with admiration on the occurrence of such wonderful things.—*Nat. Adv.*

Value of the annual exportation from the ports of Spanish America, to foreign countries.

			Dollars.
Value of the vegetable		kingdom,	32,737,000
Do.	animal	do.	3,627,000
Do.	mineral	do.	63,520,000
		Total value,	99,884,000

Proportion of New Spain and Yucatan.

Gold and silver coins, and bullion,	30,790,000	
Other produce,	6,210,000	
		37,000,000

Proportion of Guatimala.

Gold and silver coins, and bullion,	1,040,000	
Other produce,	2,060,000	
		3,100,000

Proportion of New Grenada and Venezuela.

Gold and silver coins, and bullion,	6,500,000	
Other produce,	8,207,000	
		14,707,000

Proportion of the Vice Royalty of Lima.

Gold and silver coins, and bullion,	8,200,000	
Other produce,	340,000	
		8,630,000

Proportion of Buenos Ayres and Chili.

Gold and silver coins, and bullion,	14,950,000	
Other produce,	3,122,000	
		18,072,000

Proportion of Cuba, St. Domingo and Porto Rico.

Produce,	18,375,000	
		18,375,000
Total value,		99,884,000

By the above statement we can calculate the immense wealth England has derived from the trade with Spanish America; we can also discover, that she owes her colossal power and political influence all over the world to the great proportion of the precious metals which she had acquired.

According to a late English paper, the yearly consumption of English goods in Spanish America, has been more than twelve millions sterling, and the returns have yielded immense profits in England.

Aggregate amount of expenses for the military and civil establishments, for the Indian department, foreign intercourse, intercourse with the Barbary powers, civil list and miscellaneous civil from 1789 to March 11, 1815.

		Dolls.	*Cts.*
From 4th March 1789 to 31st Dec.	1791	1,718,129	37
	1792	1,736,677	15
	1793	1,707,348	80
	1794	3,500,348	28
	1795	4,350,596	45
	1796	2,531,930	40
	1797	2,833,590	96
	1798	4,623,223	54
	1799	6,480,166	72
	1800	7,411,369	97
	1801	4,981,669	90
	1802	3,737,079	91
	1803	4,002,884	24
	1804	4,452,858	91
	1805	6,357,234	62
	1806	6,080,209	36
	1807	4,984,572	89
	1808	6,504,338	86
	1809	7,414,672	14
	1810	5,311,002	28
	1811	5,502,604	86
	1812	17,829,498	70
	1813	28,082,396	92
	1814	30,127,686	38
From Jan. 1, to March 31,	1815	12,337,825	43
	Dolls.	184,719,336	43

Of this sum of more than one hundred and eighty-four millions, there was expended

	Dols.	*Cts.*
For Military department,	97,628,979	66
Indian Treaties,	878,313	60
Indian Trading Houses,	459,726	98
Naval department,	47,818,303	68
Foreign Intercourse,	10,678,015	34
Intercourse with Barbary Powers,	2,405,322	40
Civil List,	14,94[illegible],095	79
Miscellaneous Civil,	9,909,978	91
Dolls.	184,719,336	43

LOUISIANA BIBLE SOCIETY.

From a Second Report of the Louisiana Bible Society, we learn, that they have distributed, at different places within their jurisdiction, 1210 English Bibles, 1753 French Bibles, 1475 French Testaments, and 637 Spanish Bibles. Of the French Bibles, 1518 were a donation from the New York Bible Society.

Plattsburg, July 27.—Francis de Alert, who was to have been executed at Plattsburg on the 26th inst. put a period to his life the night before, by hanging himself with his suspenders in prison, to the great astonishment of thousands of spectators, who assembled to witness his execution.

The circumstances attending the murder of Peter Miller, of Champlain, as appeared on the trial of Alert, were as follows:

Peter Miller and his wife, had been living with Francis de Alert and his father; but in consequence of some dissatisfaction, moved to a neighbouring house a short time before Miller was murdered. Francis Alert frequently importuned the wife of Miller, as appeared by her testimony, to return and keep house for them—and asked her if Peter should die, whether she would live with him: to which she replied, "if the Lord should take Peter away, and her brother John should accompany her, she would go and keep house for him." At five different times, Alert called upon Miller to go with him in a boat on the lake—on his return each time, he had a sickness similar to that produced by a dose of poison. Alert came in one of the mornings after their return, and asked Miller to go to his house and take some bitters—Miller declined, saying, "The bitters I drank yesterday, made me sick." In the month of July, 1813, Francis de Alert came into the house of Miller in the morning, and told his wife that he had found Peter dead in the lot—and asked her "if she would be as good as her word." Alert directed her to the spot where she found her husband lying with his head on a flat rock, and a large limb of a tree on his head.

The neighbours were called—Alert went home and feigned himself sick—he and his father expressed much anxiety to have the body interred without waiting for a jury of inquest.

Suspicion rested upon the Alerts, and they were taken before a magistrate, examined, and committed to jail in this place. From their acknowledgments, and other circumstances, it appears that as Miller was passing near their house at evening, the old man seized him by the throat, (the marks of whose fingers were distinct on the neck) and that Francis gave him two or three wounds with a hatchet, on the head, which produced his death—they then took him on a hand barrow, carried him into the lot, and laid the limb upon his head, to make it appear that on his return from work, he attempted to carry home wood—that he fell with the limb upon

his head, and that this occasioned his death.

The Alerts were released by the British in their excursion in 1813. Francis married in Canada; where he resided till last winter; when, for some reason, he came this side of the lines, where he was taken, committed to jail, and tried and condemned at the June circuit.

The old man, if living, still resides in Canada.

CHOCTAW TREATY.

The Nashville Whig, of the 19th June, has the following piece of intelligence:

General John Coffee, and John Rhea, who, together with Colonel John M'Kee, were appointed to treat with the Choctaw Indians, returned home last week, having accomplished the object of their mission. By this treaty, we understand, the Choctaws have relinquished to the United States all their land lying east of the Tombigbee river; for which they are to receive the sum of one hundred and twenty thousand dollars, payable in twenty equal annual instalments.

Thomas Clarkson's account of his Conference with the Emperor of Russia, at Paris, on the 23d of September, 1816.

When I arrived at Paris, the emperor of Russia had just left it to review his armies on the plains of Vertus, which journey occupied some days: on his return to Paris I wrote him a letter—I stated, in substance, that having heard, when he was in London, from the Duke of Gloucester, from Mr. Wilberforce, from Sir Robert Wilson, and from those three good men of the Society of Quakers, viz. Mr. Grillette, Mr. Wilkinson, and Mr. Allen, to whom he had granted an audience for two hours, of the interest which he (the emperor) had taken in the cause of the unhappy Africans. I had sent him a complete set of my Works, through the hands of Lady Warren, which she delivered to count Nesselrode, as a small testimony of the esteem and respect I felt for him on that account; but on further consideration of the subject I had not been satisfied with myself, and knowing that he was in Paris, which was comparatively a short distance, I had determined to go thither to thank him in person for all his efforts on behalf of this injured people, and to implore, should any future opportunity offer, a continuance of his favour towards them.

This letter I carried to the baroness Krudener, a Russian lady of quality, and sat and conversed with her on the subject of it for nearly an hour. The baroness is a lady of the most exemplary life—she devotes her time to religion. The emperor of Russia generally calls on her every evening at seven o'clock, in order to converse on spiritual subjects—it was on this account I carried my letter to her, and also one from the Duke of Gloucester to the emperor, which was intended as an introduction of me to the latter personage. The baroness assured me that she would deliver both of them into the hands of his majesty as soon as she could see him. In the course of two days I received a message from the baroness, that the emperor had received and read both the letters in her presence, and that he was apparently much pleased with them. He desired her to instruct me to thank the Duke of Gloucester for his letter of introduction of me to him, and with respect to my own letter, that that part of it had given him peculiar satisfaction

where I had mentioned the names of those three good men whose conversation had so much interested him when in London—he desired her to add, that he was then exceedingly occupied, but that in a short time he would make an arrangement for seeing me.

On the 22d day of September, I received a message from the baroness Krudener, that the emperor desired my attendance at her house the next day at eleven o'clock in the morning. Accordingly I went and expected to find him there, but it appeared that he had sent there one of his own domestic servants to show me the way to him. This servant I followed closely to the *Palais de Bourbon;* when arrived there he conducted me through several rooms, and at length left me in a spacious apartment in which were two or three Russian officers, who were on guard for the day. Here I remained some time, when another of his domestics came up to me and desired me to follow him. He led me through three other rooms into a fourth, in which was a gentleman who said "the emperor is in the next room and expects you," and immediately opened the door. At this moment I felt a little embarrassed as to what I should say, but I was instantly relieved from this feeling by the affability of the emperor. He came to meet me to the very door—he then took my hand into his own and led me into the room, and immediately broke silence by addressing me in English—he said (still continuing my hand in his own) "that he considered I had done him honour by coming from England expressly to see him—he was not in the habit of making compliments—he meant what he said—he should not easily forget my visit.—I had only done him justice when I considered him to be the friend of the poor Africans—he had been always the friend of the poor Africans—he had been always an enemy to the Slave Trade—he had indeed known nothing more of it than other people—he knew only that the Africans were taken from their country against their will, and that they were transported to the colonies of foreigners, for whom they were made to work under a system commonly reported cruel; but this he considered an outrage against human nature, and this alone had made him a determined enemy to the traffic; but when, in after times, he had read more books which had furnished him with particulars on the subject, and when he had seen the print of the Slave Ship, he felt he should be unworthy the high situation he held if he had not done his utmost, in all the late political conferences on the subject, to wipe away such a pestilence from the face of the earth." After this he let go of my hand, and we stood talking face to face—there was no other person in the room.—I told him that I had long ago understood (as I had the honour of informing him in the letter) that his disposition towards the oppressed Africans had been such as I now had the satisfaction of hearing from his own mouth; that this kind disposition towards them was now generally known and appreciated by the friends of the cause in England; that it had given them pleasure beyond measure to find that this injured people had so powerful a protector and friend, and that I could not doubt that he (the emperor) should any opportunity offer, would continue to advocate their cause. He replied, "that he would never desert it. In the original treaty with

France he had taken a very active part in their behalf, but the obstacles were so very great on the part of the French government, which at that time had great and extravagant colonial schemes in prospect, that he found it impossible to realize his wishes. In a period succeeding this, *viz.* during the congress of Vienna, he had exerted himself again—he had united with the British minister in their favour, and though new and great obstacles had arisen upon the part of other nations concerned in the odious traffic, he trusted that some further advantages had been gained them;—something like a foundation of a new treaty had been laid *there*, and at a subsequent period, *viz.* very lately, that is, since his last arrival in Paris, he had again taken up the cause, in conjunction with the British minister—again he had been so successful that France had agreed to give up the remaining four years continuance of the trade, so that another nation had been added to the list of those who had agreed to abandon the infamous traffic."

I replied, that we were all of us sensible that great things had been done, for which we could not be too thankful, and that he (the emperor) had been a most powerful instrument, under Providence, in accomplishing them; but those in England who had been the means of developing and bringing to light the mass of crime and suffering contained in the Slave Trade, and whose feelings, perhaps, had led them to be too sanguine in their expectations, had been disappointed—(I hoped his majesty would excuse the freedom with which I was going to speak—here he nodded assent) I then resumed—had been disappointed at finding that the allied sovereigns, at the congress at Vienna, had not proclaimed the Slave Trade *Piracy*; this would have been a noble declaration in the face of the whole world in favour of justice and religion, and it would only have accorded with the principles all of them were daily obliged to confess in the administration of their respective governments—they were all obliged to punish, and thus to try to put an end to robbery and murder—this was essentially necessary, or their governments could not go on; but the Slave Trade was a combination of robbery and murder, and it was deeply to be lamented, under this and every other view of the subject, that such a noble decree had been overlooked. The emperor, with great condescension, admitted the truth of what I had said—he admitted "that it would have been more worthy the congress to have passed the decree now mentioned, and moreover, the continuance of the Slave Trade by the allies was in direct variance with their own principles as governors, but that we could not cure great and inveterate evils at once.—Beside, the difficulties at Vienna were greater than I had any notion of—the decree, which I had mentioned, might have been passed if some of the most powerful sovereigns had agreed upon it, and if, at the same time, they had agreed to use force; but the congress at Vienna consisted of sovereigns united and in alliance for one great object, namely, the future safety, peace and tranquillity of Europe; where harmony was essentially necessary as far as it could be obtained. This harmony must have been broken if such a decree had been persisted in. He trusted, however, our great object would be finally accomplished in consequence of

what had already taken place.—Indeed he did not doubt it—great progress had already been made—a new nation (France) had now come fully into the measure. He did not doubt, from what he had seen and heard, that Spain and Portugal would soon follow. If any other exertions were necessary on his part, it was only for us to point them out, and he would attend to our suggestions on principles of duty. I might return to England, with the assurance from himself, that he would never desert the cause of the injured Africans. He would never disappoint our hopes, and if I myself, as one of the individuals who had laboured in that glorious cause, should be disposed to write to him, I was at liberty so to do, but I must write to him fully and without ceremony, as to a friend acting in and for the same great object." He added, "I trust we have so laboured in the congress that the result will be very satisfactory to all Christian people." This last sentence was uttered after a pause, and as if it came out unexpectedly—I was at a loss to determine whether it related to the Slave Trade, or to some arrangement, at the congress at Paris, respecting religious toleration, or any other religious subject.

While I was reflecting upon it, the emperor turned to another subject, and asked "how Mr. Allen, Mr. Wilkinson, and Mr. Grillette were, and where they were now."—I replied, that the two former were in England and were well when I saw them last—but the latter was gone home to America, to return to the bosom of his family. The emperor said, "the two hours conversation he had with them in London, were amongst the most agreeable hours he had spent in England—the religious opportunity which he then had with them had made a very serious impression on his mind; such an one, indeed, that he believed he should never forget it, and he could not but have a high regard for the Society to which three such good men belonged;—with respect to the Society itself, it seemed to him as if its members (considering the plainness of their dress and appearance, and the simplicity, yet independence, of their manners) approached nearer the primitive Christians than any other people. He might say the same of their doctrines. Their first great doctrine of the influence of the HOLY SPIRIT, was the very corner stone of Religion." He abruptly asked me if I were a Quaker? I replied, I was not in name, but hoped in spirit—I was nine parts out of ten of their way of thinking—they had been fellow labourers with me in the great cause—the more I had known them the more I had loved them. The emperor said (putting his hand to his breast) "I embrace them more than any other people—I consider myself as one of them." I told him that as he had such an esteem for the Quakers, I would furnish him with one or two anecdotes, which I had no doubt it would please him to hear, but more particularly if he had not heard them before. His predecessor, Peter the Great, had professed an attachment to the Quakers similar to that he (the emperor) had just expressed. He was acquainted with the great William Penn, and others of the first founders of the Society, and when he worked at the Dock Yard at Deptford, in order to learn practically the rudiments of naval architecture, he frequently attended the Quaker's meeting house there,

where he conducted himself with all due solemnity and decorum.—The emperor said he had known that anecdote before. I said that with his permission I would relate another. The same Peter the Great, about 16 years after he had left England, went with an army to Frederickstadt—on his arrival there one of his first questions was, whether there were any of those good men called Quakers in the place, and being told there were, he signified his intention of attending one of their meetings accompanied by his suite. He heard the discourse which followed with great attention and interest, and bestowed his commendations upon it. He (the emperor) might remember, that this was precisely his own case when last year he attended the Quaker meeting house in St. Martin's Lane, so that he had probably, without knowing it, trodden in the footsteps of his great predecessor. The emperor thanked me for this anecdote, which was new to him, and said, "he could not follow a better example than that of Peter the Great, and desired to follow him in every thing that was good."

He then asked me "if Mr. Wilkinson and Mr. Allen were of any profession?" I replied that Mr. Wilkinson was a minister of the gospel—that he devoted himself to his religious office, and that Mr. Allen was in trade, but that he spent his time principally in doing good. Here I could not resist the impulse I felt to do justice to the character of my friend by an eulogium, in which, however high it might appear, I was conscious I did not exceed the bounds of truth; after which I said, that of the many objects which engaged Mr. Allen's attention, that of forming public schools was among the foremost; and that I knew he wished that similar establishments might be formed in the emperor's dominions. He replied abruptly, "that he supposed I knew there were schools in Russia, but that perhaps they were not on so improved a plan as those in England." I answered him by saying, that the difference laid there. I then said afterwards, in the mechanism of the English schools, and that in consequence of the great number of boys, which one master could teach, education became cheap, so as to be ever in the power of the poor. I then enlarged on the benefit of Education—I observed that his own empire was great and powerful; but what would it be if his subjects were improved by a wise and universal education?—his empire would be more powerful, more happy, and more permanent—nothing contributed so much to make subjects useful, orderly, virtuous, and happy, as an acquaintance with the truths of the gospel; and education, inasmuch as it taught them to read, was one of the outward means of enabling them to know these truths. In this point of view these schools were of inestimable value. He replied, "that there was no surer foundation for peace, order, and happiness among men but the Christian Religion," and added, "this is quite as necessary for kings as for people." I then informed him, that Mr. Allen, and those that laboured with him on this subject, were not labouring for a private or a partial good—their views extended to the whole world; and for this purpose they were educating foreigners of different nations, to qualify them to carry the system of British education into the countries to which they severally belonged—they had lately educated one from Denmark and another from France, and they

would be very glad to educate one from Russia with the same design. On hearing this the emperor seemed to be well pleased, and said, "you may be sure I should be glad to promote the system in Russia." He said he was sorry to take his leave of me so soon, but he had more engagements than he feared he could perform whilst he stayed in Paris. He added, "remember me kindly to Mr. Allen and his good friends the Quakers, and tell Mr. Allen, that I wish him to write to me on the subject of his schools—he may depend on my countenance in Russia." He then took hold of my hand and said, "my best wishes attend you to England; and if I can, at any time, be useful to the cause of the poor Africans, you may always have my services by writing me a letter."

INDIAN SKELETON FOUND.

Marietta, (Penn.) October 25.—On the 14th of this month, Mr. John Longenecker, distiller, residing about two miles above this borough on the river Susquehanna, was digging clay within a few rods of his house, on the side of a private road, for the purpose of setting his stills, when, after he had dug to the depth of between two and three feet, he struck upon the skull of a human skeleton, which was discovered, on the large bones being taken up, to be about six feet eight or nine inches long, and the bones much larger than those of the human species of the present day. Mr. Longenecker informs us, that he took one of the bones of the larger finger of the right hand, upon which were two rings, (but on being touched they fell to dust) and placed it on the finger of his own hand, when he found the bone to be nearly a half an inch longer. The face was up, with the arms extended from the body, the right hand considerably the deepest in the earth.—On the right side was found a musket barrel, upwards of four feet long, so much rusted as to break on being taken up; also the lock, and some brass mounting, and a large tomahawk, a scalping-knife, a large jack knife, with a transparent handle, underlaid with gold leaf, a brass tobacco box, containing two Jews harps, of a novel form, and a silver button; two smoke pipes were also found, with the letters R. T. on each of them, three lead bullets, a glass bead the size of a musket-ball, with a hole through it, a stone dart, a small octangular looking-glass, four flints, one in the gun lock, two very small white beads, and several other trifling articles not recollected. The bones were reburied by Mr. Longeneker in the same place from whence they had been taken —the other articles, which we have seen, he still has in his possession.

VINDICATION OF VAN WART, PAULDING, AND WILLIAMS,

The three virtuous and patriotic American yeomen who arrested Major Andre.

Col. Benjamin Tallmadge, a member of the House of Representatives of the United States, in a speech which he lately delivered in that body, ventured to ascribe to the celebrated captors of Andre a character the most infamous and detestable; and to their conduct, on that occasion, motives the most sordid and odious. He accused these men of being as often in the camp of the enemies of their country as in our own; of being men destitute not only of patriotism,

* See page 148

but of common honesty and honour: of belonging to that detestable gang, usually known by the name of *Cow-boys*. He charged them, in effect, therefore, with being the vilest of thieves and robbers; and, in doing so, represented General Washington and the Congress as bestowing the public praise and the public bounty upon wretches, utterly base and contemptible, from mere motives of policy. There was, in this attempt, an intrepidity worthy of a better cause: but, at the same time, a rashness which he will never cease to repent. Col. Tallmadge has endeavoured to tear the fairest leaf from our history, and to deprive the yeomanry of our country of a theme in which they gloried, and of an example, whose influence is not less extensive and important, than was that of the immortal William Tell. If he has done so, when there was the least possibility that he might be in an error, he could never, upon reflection, justify himself. But, if he has done so upon slight, very slight grounds, not from his own knowledge, but from the calumnies of the envious, and the mere suspicions of an enemy, he has incurred a responsibility which he must meet: a responsibility from which the personal respect with which he may have been heretofore regarded, ought not to protect him, nor general coincidence of political opinion to release him.

Upon what grounds did the colonel accuse these men of being *cow-boys?* of being as often in the enemy's camp as in our own? Did he know the facts? If he did, he must have seen them steal; he must have seen them in the enemy's camp: But he does not pretend this. What then is the evidence of these facts? At most, hearsay—which *might* indeed be true—but it might also be, as, in fact it was, false. This evidence was, assuredly, too loose for the charge he advanced—against men whose service had certainly been important; and who, absent, were not in a condition to justify themselves. The colonel is a Christian. Did he here observe the golden rule? The colonel has his enemies: how would he feel if the community should judge of *his* character by *their* calumnies?

The utmost that can be said in palliation of Col. Tallmadge's conduct is, that he believed what he said to be true. He believed them to be cow-boy plunderers, because he heard so! He believed they would have permitted Andre to proceed, if he had had more to give them, because Andre *said* he was of that opinion! Upon such grounds the colonel employed the weight of his character, and the authority of his place, to consign to infamy the three men who had saved West Point and the army!

There is not a court of justice in Christendom which would not spurn such evidence. There can, therefore, be no fear that it will be received by a grateful people. And, although we are fully persuaded, that nothing has appeared to put the accused *upon their defence*, yet we proceed, gratuitously, to lay before our readers such conclusive testimony as will satisfy the whole world.

And first, as to these men being *cow-boys*. Their neighbours would be, of all others, most likely to know the fact, if it were so; and the annexed certificate from men aged and venerable, will show that they were not even suspected. But the oath of Mr. Van Wart is decisive.

As to the second point, whether

the captors of Andre would have released him for a very large bribe, provided he could immediately have paid it, that is a circumstance which could be known only *by themselves*. And Mr. Van Wart expressly denies the imputation in the annexed affidavit.

The only possible question that can remain is, whether the witness is worthy of credit. To this point we bring men who have known him from his infancy; men, whose venerable hairs are silvered by age; they speak to us from the verge of the grave; and they unite in the declaration, that no man is more entitled to be believed than *Isaac Van Wart*.

The nature of the case does not admit of testimony more precise, perfect and conclusive. The refutation is solemnly sworn to, and by a man who, in moral and religious deportment, during a long life, has had no superior.

Isaac Van Wart's Affidavit.

Isaac Van Wart, of the town of Mount Pleasant, in the county of Westchester, being duly sworn, doth depose and say, that he is one of three persons who arrested Major Andre, during the American revolutionary war, and conducted him to the American camp. That he, this deponent, together with David Williams and John Paulding, had secreted themselves at the side of the highway, for the purpose of detecting any persons coming from, or having unlawful intercourse with the enemy, being between the two armies; a service not uncommon in those times. That this deponent and his companions were armed with muskets; and upon seeing Major Andre approach the place where they were concealed, they rose, and presented their muskets at him, and required him to stop, which he did. He then asked them whether they belonged to his party? and then they asked him which was his party? to which he replied, the lower party. Upon which they, deeming a little stratagem under such circumstances, not only justifiable, but necessary, gave him to understand that they were of his party; upon which, he joyfully declared himself to be a British officer, and told them that he had been out upon very particular business. Having ascertained thus much, this deponent and his companions undeceived him as to their characters, declaring themselves to be Americans, and that he must consider himself their prisoner. Upon this, with seeming unconcern, he said he had a pass from General Arnold, which he exhibited, and then insisted on their permitting him to proceed. But they told him, that, as he had confessed himself to be a British officer, they deemed it to be their duty to convey him to the American camp; and then took him into a wood, a short distance from the highway, in order to guard against being surprised by parties of the enemy, who were frequently reconnoitering in that neighbourhood. That when they had him in the wood, they proceeded to search him, for the purpose of ascertaining who and what he was, and found inside of his stockings and boots, next to his bare feet, papers which satisfied them that he was a spy. Major Andre now showed them his gold watch, and remarked that it was evidence of his being a gentleman, and also promised to make them any reward they might name, if they would but permit him to proceed, which they refused. He then told

them, that if they doubted the fulfilment of his promise, they might conceal him in some secret place, and keep him there until they could send to New York and receive their reward. And this deponent expressly declares, that every offer made by major Andre to them, was promptly and resolutely refused. And, for himself, he solemnly declares, that he had not, and he does most sincerely believe that Paulding and Williams had not, any intention of plundering their prisoner: nor did they confer with each other, or even hesitate, whether they should accept his promises, but, on the contrary, they were, in the opinion of this deponent, governed, like himself, by a deep interest in the cause of the country, and a strong sense of duty. And this deponent further says that he never visited the British camp, nor does he believe or suspect, that either Paulding or Williams ever did, except that Paulding was once, before Andre's capture, and once afterwards, made a prisoner by the British, as this deponent has been informed and believes. And this deponent, for himself, expressly denies that he ever held any unlawful traffic, or any intercourse whatever with the enemy. And appealing solemnly to that omniscient Being at whose tribunal he must soon appear, he doth expressly declare that all accusations, charging him therewith, are utterly untrue.

ISAAC VAN WART.

Sworn this 28th day of January, 1817, before Jacob Radcliff.

We, the subscribers, inhabitants of the county of Westchester, do certify that during the revolutionary war we were well acquainted with Isaac Van Wart, David Williams, and John Paulding, who arrested Major Andre; and that, at no time during the revolutionary war, was any suspicion ever entertained by their neighbours or acquaintances, that they or either of them held any undue intercourse with the enemy. On the contrary, they were universally esteemed, and taken to be ardent and faithful in the cause of the country. We further certify, that the said Paulding and Williams are not now resident among us, but that Isaac Van Wart is a respectable freeholder of the town of Mount Pleasant; that we are well acquainted with him, and we do not hesitate to declare our belief, that there is not an individual in the county of Westchester, acquainted with Isaac Van Wart, who would hesitate to describe him as a man of a sober, moral, industrious, and religious life—as a man whose integrity is as unimpeachable, as his veracity is undoubted. In these respects, no man in the county of Westchester is his superior.

Jon. G. Tompkins, aged 81 yrs.
Jacob Purdy, aged 77.
John Odell, aged 60.
John Boyce, aged 72.
J. Requa, aged 57.
William Paulding, aged 81.
John Requa, aged 54.
Archer Read, aged 64.
George Comb, aged 72.
Gilbert Dean, aged 70.
Jonathan Odell, aged 87.
Corneles Vant Tassel, aged 71.
Thomas Boyce, aged 71.
Tunis Lint, aged 71.
Jacobus Dyckman, aged 68.
William Hammond.
John Romer.

THE FIRE AT NEW ORLEANS.

From the Louisiana Courier of Sept. 30.—Saturday last was a day

of desolation for the city of New Orleans. Towards 12 o'clock, just when the workmen who were employed in the ball room which Mr. Davis was erecting in Orleans street, were leaving their work to go to dinner, a very dark smoke, and soon after a furious flame was perceived coming out by every opening of that building. The citizens immediately repaired to the spot, but it would have been in vain to think of stopping so dreadful a fire, which had, in an instant, caught to the whole building. To complete the evil, the wind was blowing hard from the northward, and throwing the flames on several wooden houses situate on the opposite side of the street. The ball room was soon consumed; and the Orleans theatre which was contiguous to it, experienced the same fate. The two squares in front were destroyed; the conflagration threatened to involve a considerable part of the city, when fortunately, the wind slackened a little, which gave time to pull down a number of wooden buildings. They, by that means succeeded in stopping the progress of the dreadful element towards 3 o'clock, P. M.

The loss occasioned by that event is incalculable. The buildings destroyed may be valued at from 5 to 600,000 dollars, besides all the goods, furniture and effects, which were lost, broken, or stolen. The Orleans theatre, and Mr. Davis' ball room, were two buildings which greatly contributed to the ornament of the city, and the neighbourhood of which gave to that part of the city a great value of which it is now deprived.

Amidst that disaster the zeal and activity displayed by a number of citizens, as well in putting out the fire, as in saving the property of those whose dwellings were burning, has been remarkable. We have witnessed with admiration the courage of some officers of the navy, who, with axes in their hands and among the flames, were working with that sang froid which has distinguished them in so many circumstances. We believe no life has been lost in the awful catastrophe.

[Another account estimates the amount of loss at half a million, and the number of houses about 40.]

EXPORTS OF THE UNITED STATES.

From a statement of the secretary of the treasury to Congress, it appears that the value of the exports of the United States, for the year ending the 30th Sept. 1816, was eighty-one millions, nine hundred and twenty thousand, four hundred and fifty-two dollars, (81,-920,452,) of which 64,781,896, were of domestic materials, and 17,138,556 of foreign. Of the domestic products exported, 7,293,-000 were the produce of the forest; of agriculture 53,354,000; of manufactures 1,755,000;—of uncertain origin 1,049,000. The total amount exported to the possessions of foreign powers, the largest amount (39,184,558) was to those of Great Britain; the next largest (12,138,135) to those of France;—the next (8,589,718) to those of Spain; to Holland and its colonies, 5,602,524; to the Hanse towns and ports of Germany, 3,534,500; to Portugal, Brazil, &c. 2,270,389 dollars. The total exports from the several states and territories during the year before mentioned, was in the following proportion:—

From New Hampshire, -	140,293
Vermont, - -	892,594
Massachusetts, - -	10,136,439
Rhode Island, -	612,794
Connecticut, - -	593,806
New York, - -	19,690,031
New Jersey, - -	9,746
Pennsylvania, - -	7,196,246
Delaware, - -	56,217
Maryland, - -	7,338,767
Virginia, - - -	8,212,860
North Carolina, -	1,328,735
South Carolina, -	10,849,409
Georgia, - -	7,511,939
Ohio, - - -	1,305
Louisiana, - -	5,602,948
District of Columbia, -	1,680,811
Territory of the United States, - - -	65,522
Total,	$81,920,452

HORRORS OF CARTHAGENA.

Copy of a letter from Don Juan de Dios Amador, late Governor of Carthagena, to Don Francisco Garcia del Fierro, New Orleans.

Kingston, (Jam.) *Jan.* 15, 1816.

My esteemed Nephew,—It would take me very long to give you the particulars of what took place after your departure, and to describe the horrors of famine by which such numbers daily perished. After the greatest instances of heroism on the part of the people, we were forced to an evacuation as disastrous as any recorded in history. The greatest weight of the common calamity seems to have fallen on our family. As to what befel myself, during a passage of 34 days from Carthagena to this island, I will only observe, that capt. Mitchell, who commanded the schooner Gen. Castillo, on board of which I made one of 80 passengers, after having despoiled us of all our money, gold, silver, jewels and precious stones, put us on shore in the island of Providence, whence we at last arrived here in the miraculous manner you shall learn when we meet again, and I can with more composure relate to you my adventures.

My sister Maria, your mother-in-law, your young wife Pepita, who had lain in but three days before; your brothers-in-law, with Villegas and Lecuna, came off in the American sch. Drummond. As soon as I hear of any of the family, I will inform them where you are; for, on my arrival here, I learned that you had sailed for New Orleans, in company with M. Delvaille, with a parcel of goods, and I rejoice that you are less unfortunate than most of your kindred.

From Carthagena we have no information; for the British frigate Junon, sent by the admiral on this station to claim the English remaining in the town, is this day returned without them. She was not allowed to have any communication with the shore, from which a boat was sent for the papers; and the answer to them is said to be unpleasant—hence it is thought the town is afflicted with executions. Your mother, your brother Joseph, both your sisters and your nephews, who sailed in the brigantine Hope, arrived at Grand Caiman in a state of starvation. A vessel is going to sail from this, to bring hither them and fifty other persons, a number that has excited public consideration.

February 11.

My esteemed Nephew,—My griefs are infinitely increased, and I must tell you what will fill your heart with affliction. The American sch. Drummond, on board of which were your tender pledges and a great part of the family, was forced to try to procure provisions to the leeward of Portobello; a boat went and gave information in that port, in consequence of which, a privateer went out and captured

the American sch. I have seen a list of the prisoners printed in Carthagena by order of government. In the number are included my sister Maria and her sons, your brothers-in-law, with all their family, your unfortunate wife, my ever esteemed Pepita, with her two tender infants, in her ill state of health, having so lately lain in. I feel, dear nephew, how great must be your affliction, as is mine, at this deplorable misfortune, to which are added the consequences which the want of food and other sufferings may have produced on the tender frame of a woman not well recovered from child-birth.

Your mother and brothers are almost victims of their sufferings, in the brigantine Hope, with many others. I have already briefly told you how we were robbed by capt. Mitchell. I will now relate what happened to other vessels of the emigration. On board the Constitution, 75 persons died of hunger and thirst on her passage to this island; and on board the Grand Sultan, a still larger number of emigrants died through the same cause. The sch. Two Brothers, alias Union, foundered in sight of this island, but so suddenly that only 17 persons could be saved out of the great number that were on board. The sch. Gen. Bermudes, grounded near Trinidad de Cuba, with only twenty-three cadaverous persons remaining, of one hundred and twenty-three, the others having died of hunger at sea. The schr. India Libre, put in in the greatest distress, at Negro Head in this island—the capt. took by force what he pleased from the emigrants, abandoned the vessel, and came hither in the boat; but the government has committed him to prison.

The sch. Estrella, sailed from Carthagena with 280 emigrants, and arrived at Providence, where being abandoned, they must perish with hunger, unless, as is hoped, vessels be sent from hence to their relief.

Of the Conception nothing is known, and it is probable, that the number of people with which she was crowded, with the 24 pounder she carried, caused her to founder, though a large vessel. Such are the misfortunes that have succeeded the mortality of so many days of famine, which at last obliged us to emigrate.

In the American sch. Drummond, were taken lawyers Garcia de Toledo, Granados, Toro, Zunniga and Domingo, with many other persons, to the number of 352.

By a vessel just arrived from Carthagena, we are informed that there are already 800 persons in the prisons, castles, and dungeons, including those of the sch. Drummond. One of the inquisitors, Oderis, acts as governor of the bishopric, the provisor being deposed, and the canons imprisoned, and most of the clergy suspended. There remain very few persons in the city, and the greater part of the houses empty.—The captain general has laid a contribution of 800,000 dollars.

Every one advises me to remain here, where the emigrants are treated by the government and the inhabitants, with humanity above all praise; but I wait your return to know your opinion of Louisiana, &c.

Juan de Dios Amador.

LORD SELKIRK AND THE NORTH-WEST COMPANY.

From the Boston Daily Advertiser, Oct. 26.—The Montreal papers are filled with the controver-

sy between the Earl of Selkirk and the partners of the North-west company. It may be interesting to the reader in this country to know something of so important a quarrel, the scene of which is on our own borders. We, therefore, undertake to give a brief account of the dispute, as we collect it from the papers, and other information in our reach.

In the year 1783, a company was formed solely for the purpose of carrying on the fur trade, called the *North-West Company*, which company, ever since its establishment, has carried on an extensive trade, annually sending their agents through an immense tract of country, to the western extremity of the continent. The head quarters of the company were at Fort William, on Thunder bay, near the north-western extremity of Lake Superior, and a principal settlement at Red river, near the north-western angle of the United States' territories, and three thousand miles westward from Montreal, where most of the partners of the company reside.

The Hudson Bay company, which had carried on its trading operations from York factory, on Hudson's bay, had frequently had collisions with this company. This latter company is of much longer standing, and holds existence under a charter from the king of Great Britain, granted about two hundred years ago.—This company claims a territorial jurisdiction, and a monopoly of the trade over an immense tract of country, in which the North-west company have their principal settlements.

The Earl of Selkirk, who was a proprietor of this company, has recently obtained from the company a grant of more than 116,000 square miles of land, including the country in which the Red river settlement is situated.—Over this country his lordship appointed Mr. Robert Semple governor-general. Mr. Semple arrived at York factory from England, August 28, 1814, but did not enter upon his government until winter. A party, however, of the Hudson bay people, took possession of the Red river settlement in the autumn. During the winter, it is complained by one party, that the Hudson bay company were making constant depredations upon the settlements and property of the other company; and by the other party, that the North-west company were making preparations for a hostile invasion upon their rivals.

No event of a very important nature is related until the 9th of June, when the following bloody transaction took place. It is variously related by the opposing parties. The following account of it is from a friend of the North-west company.

"Mr. Semple, still believing the ball at his foot threatened destruction to all around; and erecting batteries at the seat of government, meant to obstruct the navigation, and thereby to prevent the North-west company from passing with their property. The remaining North-west proprietor in that quarter, finding the difficulties which he had to surmount, directed his course with his charge by another route. As the passage by this route would be attended with loss of time and much trouble, and would cause much disappointment to the parties concerned, who might be waiting at the usual depot, and in want, the proprietor thought prudent to dispatch two cart loads of provisions in the usual direction, but through the plains, with an escort or guard of

fifty men, who had positive instructions to pass on quietly, and as far behind the settlement as possible, in hopes of gaining the place appointed unmolested. The advance of the escort, consisting of twenty or twenty-two men, passed on with their charge without being perceived, and, meeting a man from the settlement, they brought him with them part of the way to prevent discovery.—The rear-guard, who were riding carelessly along the edge of the morass, about four miles distant from the settlement, were observed by the governor-general from his room, which was in an upper story. The governor in a tone of surprise, exclaimed, there they are, and immediately sallied forth at the head of thirty of his best warriors, completely armed with muskets, fixed bayonets, &c. The escort seeing this party pressing forward and gaining ground, halted, and dispatched one of the party, a Canadian, who spoke English, to inquire into the object of the pursuit.

"The Canadian with the best intentions advanced, and was surprised when Mr. Semple seized the bridle of his horse, and laid hold of himself as a prisoner. The Canadian desired Mr. Semple to desist, otherwise he would not answer for the safety of his party. Mr. Semple feeling indignant, called out to his men to blow out his brains! His men exclaimed,—Good God, Sir,—if we fire, we are all dead! Fire, you cowards! enjoined he—this is no time for reflection. At this severe reprimand, a shot was fired at the Canadian, but missed him—meantime, an Indian seeing the struggle, left the escort, waving his hand, and calling out aloud, Peace! Peace! do not quarrel, friends! Mistaking perhaps his intentions, a shot was fired at him—the ball passed through his blanket—he returned the fire with effect—then a volley was poured upon the escort, which killed one and wounded another of the party. The escort, no longer in doubt of the hostile views of governor Semple, prepared for action, took their distance, and formed themselves into an extensive line, describing a half-moon—and opened a dreadful fire, which, in an instant, brought Mr. Semple and most of the party to the ground. A reinforcement from the settlement appeared in the rear with a piece of ordnance, which burnt priming several times. The escort resisted this party also, and drove it with precipitation back into the settlement. Thus having cleared the field, the escort joined their friends, who by this time had come to their assistance, and returned to their destination, accompanied by two of Mr. Semple's party, whose lives were saved by the intrepidity of two Canadians who happened to be present. Such is a short but true account of the battle fought four miles below the settlement of Red river, on the 19th of June last, between two parties of equal numbers. Mr. Semple, and twenty-one of his party were killed—and there were several wounded.—The escort had one killed and one wounded."

"*A comparative Statement respecting the use of Chaff, and the common practice of serving horses, &c. with hay,—by Thomas Williamson, Esq. in a letter to the Secretary*—[Bath Soc. Papers, vol. 13. p. 104.]

"Sir—Permit me to solicit that you lay before the Society the

following comparative statement respecting the use of Chaff, and the common practice of serving horses, &c. with hay.

"I have, throughout the summer, kept my horses in the stable, feeding them with good hay and beans. My oxen have, on the contrary, always been turned out to grass when liberated from their work: they have had the range of good pastures, and the benefit of some less valuable hay, previous to their going to their labour. My horses, five in number, have been regularly worked in pairs; latterly, after much opposition on the part of my servants, with reins. The oxen, four in number, have worked in collars, drawing generally a stout Beverstone plough, or a large drag and scuffler: their labour has been constant and rather severe. As our meadows began to fail us towards the end of September, owing to the quantity of stock upon them, it became necessary to allow the oxen more and better hay.

"The increased expenditure alarmed me; as the four oxen and the five horses, consumed no less than four tons within one month. This caused me to prohibit the use of hay in the racks, and to feed all the cattle with chaff; of which, a boy can cut sufficient for daily use in two hours.

"My servants not only ridiculed the change, but so far as they dared, opposed it, in an under hand manner, by various evasions and pretexts.—Aided by the care and vigilance of the young gentlemen with me, the system of chaff-feeding was fully established; and the quantity needful for the horses and the oxen, separately ascertained.

"One hundred weight of hay was found to yield 20 bushels of chaff, pressed into the measure and piled as high as it could safely be carried; consequently, each bushel weighed about $5\frac{1}{2}$ pounds. It was found, that the five horses would eat twelve bushels of chaff during the 24 hours; and that the four oxen would consume an equal quantity in the same time. Ever since the oxen have been fed with chaff only, they have, very evidently, improved in condition; as have also the horses, although their work has latterly been on heavier soil, and of course, more severe than formerly.

"Twenty-four bushels of chaff, at 20 to the hundred weight, amount to about $21\frac{1}{2}$ tons yearly; which, deducted from 48 tons, (the quantity we were consuming within the year,) gives a saving of about $26\frac{1}{2}$ tons, or more than half.

"I have, however, carried the retrenchments farther, by cutting in bean stalks to the extent of about a quarter of the chaff; these, being laid uppermost in the cutting trough, keep the hay well pressed, and cause it to be cut more regularly. Thus, we now use about 2500 weight of hay monthly, instead of four tons!

"It is customary, in our quarter, to throw bean stocks under cattle; a practice which cannot be too speedily abolished. Mine had suffered much from standing out a full month in the late rainy weather; yet all my cattle ate the chaff cut from them alone, without hesitation: indeed, rather in preference.

"I am, &c.
"*Thomas Williamson.*
"Writhlington, Nov. 9, 1812."

In all the lists of the Jews said to be living at present in Europe, none are correct—the following

estimate of those living in the four quarters of the world, may be more clearly relied upon.

Judaceus.

In Poland	800,000
Various circles of Germany	200,000
Russian dominions	50,000
Prussia	50,000
Denmark and Sweden	20,000
Holland	100,000
Hanseatic towns	20,000
Great Britain	50,000
Colonies of do.	50,000
France	60,000
Italy	30,000
Empire of Morocco	100,000
Kingdom of Algiers	60,000
Tunis	40,000
Tripoli	20,000
Dominions of the Grand Seignior	1,500,000
China, Persia, Tartary, Abyssinia, &c. from the best authority	200,000
America	5,000
Total	3,355,000

From this number to four millions.

FOREIGN CHRONICLE.

FRENCH HOUSEBREAKERS.—A Paris journalist, after announcing the trial of a band of nineteen housebreakers, remarks, that the most dangerous class of thieves were those who combined for the purpose of carrying on their depredations with the greater security and effect. They had their leaders, their laws, and their organization so skilfully combined, as not even to be destroyed by the imprisonment or condemnation of those who directed the gang. From prison they still issued orders, were obeyed, and received a share in the plunder. Among a number of facts, to support this assertion, the writer mentions the the following, which occurred to a Paris advocate, who had long practised in the courts of criminal justice:—"The wife of this advocate, on coming out of the Feydeau theatre, perceived that a large cut had been made in the bottom of her bag, through which her purse, scent-box, tooth-pick case, and a small gold watch, had been softly made to dropt, probably into a hat. Her husband, who had learned how to know *his people*, next morning repaired to one of the prisons, where he was immediately surrounded by a tribe of clients: he told them, with much displeasure, of the robbery of his wife—"Ah? Sir," said one of the leaders, "pardon the mistake; doubtless the man who played this bad joke had not the honour to know Madame. As to you, Sir," addressing the advocate, "be assured that nothing shall be neglected to give you a proof of our esteem and gratitude." The advocate departed tolerably cheered by his client's promises. Next morning a person brought a packet addressed to his wife, and containing all she had lost the evening before, except the tooth-pick case. A letter accompanying the packet requested Madame to accept the excuses of a novice who had given her a moment's uneasiness, and to satisfy herself by a search whether she was not mistaken in stating the tooth-pick case to be one of the trinkets she had lost. In fact the lady afterwards found it in her work-bag." The writer then mentions one *Delzeve*, who had been brought to justice, as one of the most famous of these nocturnal depredators. The Indian jugglers, says this writer, the French jugglers, the rope dancers, the most intrepid vaulters on the slack-rope, were mere novices and poltroons beside him. With one spring he used to vault to the shelf of a first story, and he could throw almost to any height a cord with a hook at the end of it, by means of which he contrived to mount. The following feat would appear a fable, if not supported by numerous witnesses, and testified by the registers of the Conciergerie: the walls surrounding the court of that prison are from 50 to 60 feet high, and at the top are garnished with chevaux-de-frise, whose points bend downwards. Having succeeded in eluding the

vigilance of his keepers, who at night-fall make the prisoners turn in to their rooms, Delzeve, retreating to an angle of the wall, without the aid of any instrument, supporting himself merely against the two walls, and by some inconceivable movement of his feet and elbows, mounted to the iron spikes. He seized one of them at its extremity, and balanced himself till the moment when he thought he could give himself sufficient impulsive force. Then making a spring he threw himself over the chevaux-de-frise upon the roof of an adjoining house, and succeeded in making his escape. One of his companions, less adroit, having tried the same experiment, fell, and was dashed to pieces on the pavement of the prison. None of the present gang equal Delzeve; they only resemble him in the means of escalade. Those who leave their windows open during the night, expose themselves to a visit which often costs them dear. A ladder of cords or even a single cord with a hook at the end of it, thrown with dexterity, enables the plunderer to mount, and the chamber of the sleeper is sometimes stripped before his sleep is interrupted. To avoid the inconvenience of loading their pockets with a packet of cords, they have devised a mode of opening the small niches in which the cords for suspending the lamps are enclosed. They cut them, and form a ladder on the spot. The gang, now in the hands of justice, stand accused of having committed a vast number of robberies. The police had been long on the watch for these gentlemen, when one of the chiefs gave information of their retreats and they were apprehended.

The French Almanacks give the following table of the population of Paris for 1815:—Of 20,000 children (as nearly as possible) born every year in Paris, 10,000 only attain the age of 20, and 6800 attain the age of 45. One fourth of the children born die within the first year, and one third never attain 2 years of age. Notwithstanding all the efforts of the French government in support of vaccination, deaths by small-pox form a considerable item in this bill of mortality. The calculator proceeds to draw the inference, that if the whole population of France be 29 millions, the middle term of human beings who attain the age of 20 years is 251,690.

MADAME CATALINI.

The Official Gazette of Berlin of the 30th of June, contains the following article:—

Maria Catalini was born at Sinigaglia, in the land of the Church, and descended from an honourable family. She was placed early in a convent, where she remained till she was fourteen years of age. Her voice even then was so surprising, that she was applauded whenever she sung in the choir with the nuns; and on that account her singing was prevented, lest her vanity should be excited. Her talents developed themselves so early, so rapidly and in so peculiar a manner, that at the age of 15 years she appeared with success at the side of Marchesi and of Crescentini. At this period the court of Portugal collected at great expense several *Virtuosi* at Lisbon. Catalini was invited at a salary of 24,000 crusades (12,000 crowns.) She remained four years in Portugal, and then travelled through Spain and France, proceeding to England, where very advantageous proposals were made

to her. She sung at Madrid and Paris.—In the first of these towns a single concert produced 3500 louis d'or. At Paris she gave a concert, for which the tickets were a louis each. She remained eight years and a half in England, and never did a singer in that rich country collect so abundant a harvest. Her benefit concerts were worth more that 9000 guineas, independent of the considerable presents that she received for private concerts. She left that country which was to her a mine of gold, for the purpose of going to Paris, where the king has granted her the privilege of the Italian theatre. She is the sole proprietor and directress of this theatre, which, during her absence, has been confided to the celebrated Paer. She wishes to revisit her native country from which she has been so long absent; but in going thither she performs a great circuit, as she travels through Germany, and will give concerts at Hanover, Hamburg, Berlin, Dresden, and Vienna. Madame Catalini is about 32 years of age; but she seems younger; because independent of a distinguished figure, she has a beautiful Roman head. She is so modest, with such talents, that she is called *La Cosa Rara*.—She has been married eleven years to M. de Vallabreque, an old officer of hussars, but she is resolved to keep her own name of Catalini, while she continues in her profession. Three children are the fruits of her marriage, of whom two were born in England, and the third in France."

An artist at Manchester has made a knife, which contains three blades, a button hook, a saw, a punch and screw driver, a box, cork-screw, hook and gimlet, two phlemes, picker and tweezers, two lancets, with a ring at the head, and the whole weighs but one-penny weight fourteen grains.

EXTRAORDINARY CIRCUMSTANCE.

London, 1816.—A young woman who keeps the turnpike near Henley upon Thames, Oxfordshire, and who has been married four years, has now nine children, who are all living and well. At her first lying-in she had three children, at her second three; at her third two; and at her fourth and last, one. The circumstance has astonished the whole neighbourhood, and is supposed to be without a parallel in any age or country.

The nominal value of the forged notes presented for payment at the bank and refused:—

In the year 1812, - -	28,136
Ditto 1813, - - - -	20,868
Ditto 1814, - - -	22,154
Ditto 1815, - - - -	21,951
Ditto to the 27th April, 1816,	9,368
	L. 102,487

FATAL EVENT IN WELL-STREET.

On Wednesday morning, about half past ten o'clock, a dreadful explosion took place in the extensive sugar baking warehouse of Mr. Constadt, of Well Street, (Well Close Square) which was attended with the most fatal circumstances.—It appears that a new process has lately been discovered for the quick refinement of sugar by means of steam; and Mr. Constadt, under the direction of Mr. Hague, the engineer, had constructed a new steam boiler, worked by what is called a pressure engine, of about six horse power, the boiler holding about 2000 gallons.—To this was attached all the necessary apparatus of

tubes, valves, &c. and the engineer had determined upon trying the effect of the whole, on Wednesday morning. The fire was accordingly laid, and the engine put into play. At ten o'clock, Mr. Constadt expressed his fears that the boiler would be overheated, and the valves become overloaded with steam; when, in consequence, he and Mr. Hague went to inspect it more closely. Scarcely, however, had they reached the works, when a general explosion took place, carrying, in the awful crash, utter destruction to the concern, and closing in the heap of ruins, the bodies of more than twenty persons. By three o'clock in the afternoon nine of these unhappy beings were dragged from the ruins, dreadfully lacerated, and conveyed to the London hospital. Six of them are not expected to survive; and at a late hour in the evening five dead bodies were also taken from the concern; among these was the son of Mr. Spear, one of the partners of the house. The remainder of the sufferers were workmen employed in the concern, many of whom have left large families. The building was 70 feet in height and 50 in depth, and the loss sustained by Mr. Constadt, independent of so many valuable lives, is estimated at 30,000 pounds.

Another sugar house, belonging to Mr. Constadt, has suffered. About 11 o'clock on Wednesday night, the ruins of the former place being so far removed as to permit an effusion of flame, the fire which had caught the work of the engine and boiler machinery, and which till then had been smothered, burst forth with irresistible fury. The timbers and other inflammable articles strewed about the ruins immediately caught fire, and communicating to the different floors of the building, the whole was shortly enveloped in flames. It would be impossible to describe the raging fury of the element—and notwithstanding the timely arrival of nearly 20 engines, which continued to play throughout the night, the building was totally demolished—the interior falling into a condensed heap of ashes upon the ruins of the first house, leaving only a few and tottering fragments of the walls. In this additional calamity, no further loss of human lives has been sustained. The adjoining houses and neighbourhood have escaped injury; and the effects of the liquid explosion of water, sugar, &c. from the boiler and pans, dashed upon the adjacent buildings, and suffused thickly upon the trees of Wellclose Square, are the only circumstances worth observation, beyond the destruction of the premises, the loss of so many lives, and the unfortunate injury of others.

The account of the expense of the Prince Regent's living (as given in the Lord Steward's Department) may amuse our readers; the following are the items of the quarter ending the 5th January last:—

Bread, Butter, Bacon, Cheese, and Vegetables	*L.*1,121	19	10¼
Butcher, Poulterer, and Fishmonger	3,411	13	1½
Beer and Cider	586	9	0
Wax and Tallow Lights	1,460	19	7
Grocery, Oilery, Lemons, &c. Tea, Milk, and Cream	3,235	15	7½
Wine	2,120	3	10
Lamps	818	6	7½
Washing	210	18	0
Fuel	1,090	16	0
Stationer	96	19	6
Turner and Brazier	375	1	0½
China and Glass	259	19	3
Linen	101	13	3
	*L.*14,890	14	8½

GRAND TRIPLE ALLIANCE, OR, "HOLY LEAGUE!"

In the name of the Holy and Indivisible Trinity!

Their majesties, the emperor of Austria, the king of Prussia, and the emperor of Russia, in consequence of the great events which have distinguished, in Europe, the course of the three last years, and especially of the blessings which it has pleased Divine Providence to shed upon those states, whose governments have placed their confidence and their hope in it alone, having acquired the thorough conviction, that it is necessary for ensuring their continuance, that the several powers, in their mutual relations, adopt the sublime truths which are pointed out to us by the eternal religion of the Saviour God:

Declare solemnly that the present act has no other object than to show in the face of the universe, their unwavering determination to adopt for the only rule of their conduct, both in the administration of their respective states, and in their political relations with every other government, the precepts of this holy religion, the precepts of justice, of charity and of peace; which, far from being solely applicable to private life, ought, on the contrary, directly to influence the resolutions of princes, and to guide all their undertakings, as being the only means of giving stability to human institutions, and of remedying their imperfections.

Their majesties have therefore agreed to the following articles:

Art. 1. In conformity with the words of the Holy Scriptures, which command all men to regard one another as brethren, the three contracting monarchs will remain united by the bonds of a true and indissoluble fraternity, and considering each other as co-patriots, they will lend one another on every occasion, and in every place, assistance, aid, and support; and regarding their subjects and armies, as the fathers of their families, they will govern them in the spirit of fraternity with which they are animated, for the protection of religion, peace and justice.

Art. 2. Therefore the only governing principle between the above mentioned governments and their subjects, shall be that of rendering reciprocal services; of testifying by an unalterable beneficence the mutual affection with which they ought to be animated; of considering all as only the members of one Christian nation, the three allied princes looking upon themselves as delegated by Providence to govern three branches of the same family; to wit, Austria, Prussia, and Russia; confessing likewise that the Christian nation of which they and their people form a part have really no other sovereign than him to whom alone power belongs of right, because in him alone are found all the treasures of love, of science and of wisdom; that is to say, God, our Divine Saviour Jesus Christ, the word of life. Their majesties therefore recommend, with the most tender solicitude, to their people as the only means of enjoying that peace which springs from a good conscience and which alone is durable, to fortify themselves every day more and more in the principles and exercise of the duties which the Divine Saviour has pointed out to us.

Art. 3. All powers which wish solemnly to profess the sacred principles which have dictated this act, and who shall acknowledge how important it is to the happiness of nations, too long disturbed,

that these truths shall henceforth exercise upon human destinies, all the influence which belongs to them, shall be received with as much readiness and affection, into this holy alliance.

Made, tripartite, and signed at Paris, in the year of our Lord 1815, on the 14th (26) of September.

(Signed)

Francis.
Frederic William.
Alexander.

A true copy of the original.

St. Petersburgh, the day of the birth of our Saviour, the 25th of Dec. 1815.

VALUE OF TIME.

The difference of rising every morning at *six* and *eight* o'clock, in the course of forty years, supposing a person to go to bed at the same time he otherwise would, amount to twenty-nine thousand two hundred hours, or *three* years, one hundred and twenty-one days, and sixteen hours, which afford *eight* hours per day, for exactly *ten* years, so that it is the same as if *ten* years of life (a weighty consideration) were *added*, in which we may command *eight* hours every day, for the cultivation of our lives and the dispatch of business.

London, April, 1816.—Cherries made their first appearance this season on the 7th inst. in Covent-garden market; they were sold at two guineas and a half per pound.

EXECUTION FOR MURDER.

Havanna, April 24.—Don Jose Miguel Izquierdo, clerk of the admiralty in this station, &c.

I certify that on the 19th inst. at half past seven o'clock, A. M. the galley slave of the royal arsenal, Jose Florentino Harra, aged twenty-seven years, underwent the capital punishment on the gallows, to which he was sentenced by the court of this commandancy general of Marine on the 19th April of last year, (and which the supreme tribunal of the admiralty of Spain and the Indies confirmed) for the treacherous murder of the justice of peace, D. Francisco Rodriguez, and at half past three P. M. his right hand was cut off and nailed to the hook which is without the gate of the rail of the royal arsenal.

The aforesaid criminal Harra, being put into the chapel for spiritual preparation, manifested that he had a public and judicial declaration to make, in order to ease his conscience, and his petition being acceded to, he declared the day before the punishment, having previously taken an oath, that he had committed SEVENTEEN MURDERS—eight in this city, and nine out, explaining them all in the following manner: The first in the arches of the convent of our lady de Belen, committing it with a knife on a white man, whose name and surname he did not know, neither did he state the day nor the year; but he stated that it was after orisons, and through jealousy as to a woman: the second, on the wall of Paura, on F. Rodriguez, giving him two stabs with a knife, and being dead, he threw him into the sea over the said wall —he did neither state the day, year nor hour; but that the cause was for having pursued him as a deserter from the arsenal, requiring of him a contribution: the third he perpetrated on the negro Julian Mendez, in the neighbourhood of Santa Cattalina, giving him a stab with a dagger about 4 o'clock in the evening; neither did he state the day, month, nor year,

but that the cause was his having *stared* at him: the fourth, in the walks of St. Jose, without the walls of this city, on a young native Spaniard, of whose name and surname he gave no account, neither of the day, month nor year, on account of some variance he had with him: the fifth he executed in the road which is before arriving at the settlement of Palaver, on a negro—he did not state his name, surname, day, month nor year; but the cause was, that he presumed he was following him, whom he watched a quarter of an hour the night after his decease happened: the sixth, in the field of Mars, on a mulatto, striking him with a club, neither did he state his name, the day nor month, but that it was in the evening, and because that playing pawpaw he had some difference with him: the seventh he executed in the district of Macha, on the negro, Crisostomo—he did not state his surname, the day, month nor year, but that the cause was his having pursued him with two others; and because at the ball there was in that town he broke the harp with which they were playing: the eighth was that which he committed on the person of the above mentioned commissary, D. Francisco Rodriguez, and for which he was judged and sentenced to undergo the punishment of the gallows; as has been stated: the ninth was in the city of Porto Rico, and he executed it on the boatswain of a vessel, and for which he was sentenced to ten years labour in this arsenal in 1810: the tenth he executed in Vera Cruz, on the serjeant of lancers, F. Alvarez, being a soldier in the same troop, giving him a stab in the quarters—he did not state the day, month nor year: the eleventh in Mexico, on a commissary of the city, executing it on a Saturday, about four o'clock in the evening, in the month of April, without stating the year, neither the name of the person, but the cause being his having wished to arrest him as a deserter from the permanent regiment, in which he had enlisted: the twelfth, in Alicant, on Antonio Cortes, sailor on board a French privateer, in which they both sailed; he killed him with a stab, at about 3 o'clock in the evening, in the month of January, without recollecting the year; but the cause was having lent him a sash, and his having refused to return it to him, declaring that in this affair he was wounded by Cortes: the thirteenth, on the French consul of the city of Malaga, giving him three stabs in the castle de Alfaro: the fourteenth, on his excellency the senior marquis de la Solano, in Cadiz, having been the first who seized him, and gave him three mortal stabs: the fifteenth, he perpetrated on the commandant of the revenue, D. Jose Heredia, in the said Cadiz, in the time of the revolution which the French caused in Spain: and finally, he declared, that sailing from Tampico to Cadiz, in an American brig, he threw overboard one of the sailors with whom he had a quarrel in defence of the Spanish name, executing it one night during a storm, and two days afterwards he did the same to the mate, in performing which Rasaci Amenio, a native of the island of Leon, assisted him, because the said mate had suspicion of his having thrown him overboard: concluding that he did not specify the various affrays and blows which he had with others; because death not having ensued, he con-

sidered the relation of them as superfluous, although some persons had remained injured.

On the same day he made his will; and notwithstanding that in the process of the trial, he declared that he was a native of Monte Video, he manifested in that, that he was of this city.

I certify likewise, that on the same nineteenth day that justice was executed, he repeated his confession and the sacrament was administered to him before carrying him to the gallows: that being on it a few moments before expiating his crimes, among other things which he expressed and said, he confirmed in a loud and public voice, the foregoing declaration, which, by a decree passed in the proceedings of his trial, was ordered to be published in the government paper of this city; to the end that if there be any one charged with these murders, and if he should choose to make use of this information, he may, as far as he is able, use it in his favour; and that the requisite copies thereof be officially sent to their honours, the chiefs of the tribunals of provinces in which the said murders were committed, and especially to the supreme council of the admiralty, for their information, and to the government paper of this city.

Jose Miguel Izquierdo.

Havanna, April 20th, 1815.

ROBBERY.

Anne Maria Clements, an unfortunate female, was charged by an officer of the second West India regiment, with robbing him of 10*l*. She was remanded till Monday. Mr. Fielding (after she was gone from the bar) said he remembered the above unfortunate creature a few years ago extremely beautiful, and that she had a house superbly furnished, drove about in an elegant barouche and four, and is supposed to have squandered away at least 40,000*l*. of the gentleman's money who was then attached to her. She now exhibits a striking picture of the very lowest ebb of human wretchedness.—*Lon. paper.*

BONAPARTE'S POLICE.

London, May 29. Our readers will recollect the accusation brought by M. Fouche Borel, against one Perlet, of which we, some weeks ago, gave an abstract, as illustrative of the horrible atrocities of Bonaparte's police. At an early period of the revolution, M. Borel had abandoned his country, had left a beloved wife, and an ample fortune, and had served the king of France confidentially in various parts of Europe, and for a long succession of years. He had himself undergone a severe imprisonment, and had sent his nephew, M. Vitel, on a dangerous mission to Paris, and had intrusted the secret, together with a large sum of money, to Perlet. This latter wretch, who had previously been dispatched by Fouche and Real, to England, to persuade the Royal Family to come to France, with a view to have them assassinated; finding that attempt unsuccessful, resolved at least to betray Vitel, and to pocket Borel's money under pretence of employing it for the unfortunate young man's release. Vitel perished, and Borel did not at that time suspect Perlet. We have before us a pamphlet, which he published in 1807, very shortly after his nephew's death, in which he speaks of its authors as unknown to him; but adds, "I am on my part resolutely determined not to spare them, but to oblige

them sooner or later to develope themselves; let them be assured that I am resolved to drag them into daylight." This threat M. Borel, fortunately for the interest of morality, has at length accomplished. He has unmasked the traitor to his sovereign, the swindler of his friend, the base and infamous dealer in blood. Perlet had the audacity to reply by a charge of calumny against Borel; the actions were consolidated, and at the first hearing both the plaintiffs stood in person before the court; but the guilt of Perlet was established by his own answers, and irresistibly confirmed by the deposition of Veyrat, another agent of Bonaparte's police at the time of Vitel's death. At the subsequent hearing, Perlet had absconded. Borel's counsel was heard, and the cause was adjourned for the Procureur general to sum up, on the part of the government, in relation to both of the charges. On the 24th inst. this cause, which had excited an exceedingly great interest in Paris, was brought to a conclusion by the speech of M. Riffe, who appeared as substitute for the Procureur general. The judges, much to their honour, went beyond the sentence on Perlet, which M. Riffe demanded. They condemned him to five years imprisonment, to pay 24,000 francs to Borel, including costs; and to the privation of all civil rights for ten years.

STATISTICS OF ITALY.

The following table exhibits the present division of Italy according to the last treaties of Vienna and Paris, and the maps published in May, last year, at Rome, by that celebrated German geographer, William Mayer.

	*Sq. Miles.**	*Inhabts.*
Kingdom Lombardy Venetian	13,880	4,065,000
Duchy of Lucca	7,394	131,000
Massa	56	40,000
Modena	1,457	375,000
Parma	1,626	383,000
State of the Church	11,355	2,425,000
Republic of St. Marino	17	7,000
Sardinian possessions (Etat Sarde)	22,471	3,814,000
Kingdom of Naples and Sicily (les deux Siciles)	31,731	6,766,000
Grand Duchy of Tuscany	6,019	1,264,000
Island of Corsica	2,723	290,000
Islands of Malta, Gozo, and Canino	143	150,000
	93,872	19,690,000

(*Memorial, No.* 259.)

La Lande in 1807, estimated the population of Italy at eighteen millions; Pinkerton reduces it to thirteen millions; Guthrie thinks it exceeds twenty millions.

Two of many of our states will be found nearly equal in territorial extent to the whole of Italy—New York and Pennsylvania, Virginia and North Carolina, &c.

KINGDOM OF CAUBUL.

[The following description of a very singular place, is taken from Elphinstone's interesting "*Account of the Kingdom of Caubul.*"]

"Calla-Baugh, where we left the plain, well deserves a minute description. The Indus is here compressed by mountains into a deep channel, only 350 yards broad. The mountains on each side have an abrupt descent into the river, and a road is cut along their base, for upwards of two miles. It had been widened for us, but it was still so narrow, and the rock over it so steep, that no camel with a bulky load could pass; to obviate this inconvenience, twenty-eight boats had been prepared to convey our largest packages up the river. The finest part of this pass is actually overhung by the town of Calla-baugh, which

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* The ratio of the Italian mile to the American is 37 to 100.

is built in a singular manner upon the face of the hill, every street rising above its neighbour, and, I imagine, only accessible by the flat roofs of the houses below it.—As we passed beneath, we perceived windows and balconies at a great height, crowded with women and children. The road beyond was cut out of solid salt, at the foot of the cliffs of that mineral, in some places more than one hundred feet high above the river.

The salt is hard, clear, and almost pure. It would be like crystal, were it not in some parts streaked and tinged with red. In some places, salt springs issue from the foot of the rocks, and leave the ground covered with a crust of the most brilliant whiteness. All the earth, particularly near the town, is almost blood red, and this, with the strange and beautiful spectacle of the salt rock, and the Indus flowing in a deep and clear stream through the lofty mountains, past this extraordinary town, presented such a scene of wonders, as is seldom to be witnessed."

TRAITS OF THE TURKISH CHARACTER.

A Liverpool paper of October 19, has the following:—Letters from Smyrna, dated Sept. 3, have been received in Liverpool; from which, we learn, that, on the 1st ult. a fleet of twenty-eight vessels arrived at that place from Constantinople, having on board the high admiral Captain Bashaw, of Turkey. By its appearance, the whole city was thrown into confusion; but when the governor went on board to pay his respects to the Bashaw, he was informed that he was come to receive the usual tribute for the Grand Signior; and that he had five thousand troops with him, for the purpose of bringing to submission a neighbouring governor who had not done his duty. The bashaw requested the governor to provide quarters in the city for his troops, which was accordingly done, and the governor, with twenty-three members of the government, again went on board on the 2d, where the whole were immediately put in irons, or beheaded and strangled. The bashaw then sent on shore a new governor, and on the 3d, all was quiet.

THE FATE OF MURAT.

From the Florence Gazette of Oct. 24.—Joachim Murat having fled last May from Naples, sought an asylum in France, where the sudden appearance of Napoleon seemed to elevate his mind to new hopes.

After the events which took place in consequence of the battle of Waterloo, Murat remained in Provence, less with the intention of there finding security, than to excite anarchy among the inhabitants of these departments, and thus to rekindle the flame of civil war already extinguished.

The progress of the allied arms, and the devotion of Toulon and Marseilles to their legitimate sovereign, compelled that general to leave France. The police of Naples, which had constantly followed his footsteps during the whole time he had remained in the French territory, did not lose sight of him when he left that coast.

Murat went to Corsica; there he was received by Signor Colona Ceccaldi, Mayor of Vescovato.

The appearance of the fugitive general excited the attention and vigilance of the military commander of the island, who soon had

reason to be convinced that the new guest had come there for the purpose of completing the new machinations which he revolved in his mind.

Vescovato became the head-quarters of all the Corsicans who had served in Naples under the command of Gen. Murat, who, in violation of the law of nations, had it in contemplation to surprise Bastia, and thus attempt to disturb the tranquillity of that island, which had already peaceably submitted to the dominion of the Bourbons.

On the 15th of September a proclamation by Signor Chevalier Verrier, commandant ad interim of that military division, made known the secret of the fugitive general to the deceived inhabitants, and denounced as traitors and rebels, all such as received pay from Murat, who then took refuge in Ajaccio, where he continued to enlist people to the number of 600.

In the mean time, divers public papers announced that the generosity of the allies had offered to that general an asylum in Germany, under the protection of the emperor of Austria and king of Bohemia; that he, with his family, might make choice of a residence in one of the cities of Moravia, of Bohemia, or of Upper Austria, and there live in tranquillity as a simple individual; in fine, that an English frigate was destined to transport him from Corsica to Trieste.

The results of these reports was looked for, when, on the night of the 28th of September last, general Murat fled from Ajaccio.

Although these designs seemed to be absolutely romantic, nevertheless, the Neapolitan government had directed light vessels to cruize, in order to guard the coasts of the kingdom in such manner, that a line of gun-boats might remain on a station from the waters of Gæta to those of Mountecircello; another from the point of Campenella to the light house; and a third from the Capo dell'Armi to the Ionian sea.

The event has evinced how great was the wisdom of these measures. On the 8th inst. as soon as gen. Murat arrived with a scorridoja and above,* to the shore of Pizzo, in Calabria Ulterior; immediately he disembarked with 30 followers, among whom were lieut. gen. Franceschetti, and Marshal Natali.

From the shore he quietly directed his steps towards the square; arrived there, he undertook to excite a sedition, the source of civil war, crying out to the people, "I am your king Joachim Murat; you ought to know me."

These words were the signal for a general commotion—they fled to arms. Murat and his followers, who directed their route to Monte-leone, perceiving themselves closely pursued by the population, precipitated themselves down certain cragged places, from whence they attempted to open a way for themselves to the coast, and there endeavour to regain the launch, which waited for them at the shore: there, however, overcome by the number and courage of those who pursued them, they were made prisoners; and, notwithstanding a very strong resistance on their part, were conducted to the fort of Pizzo.

In the heat of the engagement captain Pernice was killed, and

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* A species of boats.

gen. Franceschetti and seven other men wounded; all in the suite of Murat.

While the action was warmest at the shore, the scorridoja and the above betook themselves to flight.

The whole expedition of gen. Murat was composed of six vessels: four of them have fallen into the hands of H. M. marine; chace is given to the other two. It is said that one of the other vessels had put on shore near the coast of Lisecoza, three emissaries charged with criminal operations.

This event has not in the least altered the public tranquillity; every where a calm has been preserved, worthy of a nation that loves order and is affectionately attached to its legitimate sovereign.

The police, to which the most secret designs of Murat were known, had disposed every thing so, that the public order might not suffer; but its measures have constantly maintained the character of a paternal government.

Whilst it was known that Murat endeavoured to plunge us in all the horrors of anarchy and civil war, the government has not permitted a single individual to be arrested throughout the whole superficies of the kingdom, thoroughly persuaded of the fidelity of its subjects.

This does honour to the king's heart, who was not deceived when he placed all his trust in the devotion and love of his people.

History will record with honour the zeal of the generous inhabitants of Pizzo, the beneficence of H. M. towards them, and the mild conduct pursued by all the authorities, judicial, civil, and military, all of whom have, on this occasion, acquired new rights to the affection of the king, and to the esteem of the nation.—*Journal of the Two Sicilies.*

Note of the persons who landed with Murat.

Gen. Franceschetti; marshal Natali; captains Lanfranchi, Viaggiani, Pasqualina, Pernice; deputy inspector Calvani; lieutenant Multedo; serjeants Perili, Sartarelli, Catania, Santini, and Pellegrini; corporal De Ge Giulio; two chamberlains, Armanno and Boggi; one cook; blacksmith; and about twelve soldiers.

It is also said, that in his flight, Murat had succeeded in gaining the boat which waited for him at the shore, but he had not time to push off by reason of the quick arrival of those who pursued him. By a very extraordinary combination, with the exception of himself, almost all the persons that were with him were wounded, besides one who was killed.

Another letter of the 17th Oct.

Joachim Murat, brought before a military commission, has been condemned to death, and shot on the 13th inst. at Pizzo.

It is reported, that his guilty attempt is irrefragably proved by authentic documents of the greatest importance, found at the moment of his arrest.

The crime was entirely concealed in the heart of the invader, and his followers come from Corsica.

Heaven had reserved for the inhabitants of Pizzo, the glory of saving our country, and Italy from new revolutionary calamities; but this glory ought to be regarded as the patrimony of the whole nation: In every part whatever of

the kingdom, the disturber of the public peace would have found in the subjects of H. M. the same fidelity, and the same zeal, as in those of the farthest extremity of Calabria.—*Journal of the Two Sicilies.*

By particular letters dated at Naples, we have the following further details relative to this event.

Some time back a foreign emissary dispatched by Murat, had penetrated as far as Naples, who however was instantly arrested, and still remained in prison, without having as yet, confessed the criminal commissions with which he had been charged.

Moreover, about the persons who landed at Pizzo, were found many copies of divers proclamations by Murat, tending to create an insurrection of the people against their legitimate sovereign.

On the first notice of this mad attempt, the prince of Canosa had been sent from Naples, with instructions to the governor general Nunziante, but having met on the route a courier, bearer of the sentence executed, the abovementioned prince returned to his capital.

After Murat had heard the sentence of death pronounced by the military commission, conformably to the same military code which was in force in the time of his government, and which has not yet been altered, he accepted a confessor, with whom he remained about an hour; he then underwent his sentence at a little distance from the gate of the prison where he had been confined.

Several couriers have been sent off from this capital to divers sovereigns.—*Gazette of Florence, Oct.* 24, 1815.

INSURRECTION AT TUNIS.

Tunis, (*Africa*,) *May* 3d, 1816.—On the 30th ult. late in the evening, all the gates of the town being shut, and the peaceable inhabitants retired to their houses, the Turkish soldiers, to the number of 3000, divided into small parties, proceeded to the governor's palace and the houses of the principal persons of his court. In less than half an hour, they were masters of Tunis and the citadel of the Gaspa. The Divan being assembled pronounced the deposition of Mohammud Bashaw, and the Bey Sedi Assen. Sedi Mustapha, the brother of Mohammud, and Semain Bey, his uncle, were proclaimed in their place. The Barda was informed of these events by a message which required his presence in the Divan the next morning. The answer of the Barda was, "that Sedi Mustapha, and Semain Bey, declared they would not separate from the party of the bashaw and Sedi Assen; that they were ready to defend them, and as near relatives of the sovereign, would never take part in any revolt against him."

This disconcerted the rebels, and it now appeared that their plan was to form an elective Turkish government, and one of their chiefs, named Deli-Ali, was chosen Bashaw. He promised them the pillage of the town for three days, additional pay, and the abolition of several taxes. Fortunately, however, some of the more prudent suggested the necessity of first securing the Goulette, an important point of communication, by which they might have a retreat in case of accident, and from which they might be supplied with ammunition. This opinion was adopted, and the town was

saved. The rebels had, however, scarcely left the town, when those who remained with Deli-Ali, instead of obeying his sanguinary orders, seized him and threw him into a dungeon, and requested the Bey to grant a general amnesty to the Turks, who, they said, had been misled and seduced. Tranquillity was then restored, almost without an effort.

In the mean time, those who marched against the Goulette, though informed of this event, did not lose courage. They continued their march, and about one in the morning carried the fort, which made but a feeble resistance. Had they been so inclined, they might have maintained themselves there; they could have resisted all the efforts of their enemies, and preserved the key which rendered them masters of Tunis; but it appeared that their sole design was to proceed to the Levant, and to effect that purpose, they took possession of five corsairs which were in the port ready for sea.

On the second in the morning, they began the general pillage by plundering the houses of the Kaya, the Christians and the Jews, throwing into the harbour what they could not carry away, and spiking all the cannon. They were about to set fire to the arsenal and trading vessels, but the sudden appearance of the Euphrates, English frigate, saved the European shipping in the roads. Having taken the alarm, they now hastened their departure. About 700 embarked on board of the five corsairs, and sailed with a favourable north-west wind for Constantinople.

At this moment the Sedi-Assen arrived with a number of cavalry, but found only the smoking traces of pillage and conflagration. In the confusion almost all the leaders of the revolution saved themselves, and carried off the best corsairs belonging to the regency. This morning Deli-Ali, and one of his accomplices, were strangled.

CURIOUS MANUSCRIPTS.

London, *Aug.* 8.—Upwards of 300 original manuscript letters of John, the first duke of Marlborough, chiefly addressed to the then secretary of state, sir Charles Hedges, and many of them containing matter of very considerable interest, were on Tuesday sold by public auction. These letters, together with three notes of her majesty queen Anne to her favorite secretary, were sold for 570 guineas. Most of the duke of Marlborough's letters were written during his brilliant career on the continent, in the beginning of the last century; and contain, besides military details, some curious diplomatic particulars. Some few of the letters were written, it would appear, in part by his grace's confidential secretary, at times probably when the nature of his high official duties afforded him not much personal leisure; but even in those instances they are all concluded by a line or two in his own hand, and finally signed by himself. The duke in one of his letters, states, that he was in the hands of the enemy five hours, but that he was providentially taken for general Churchill, and that he escaped, without the enemy being aware of the prize they had within their power.

The superscription or address of queen Anne's notes is in a form which prevails to a considerable

extent at the present day; the word *For* is used in the following manner:

For
Sir CHARLES HEDGES,
&c. &c.

The notes themselves do honour to the head and heart of the queen. Two of them are upon the melancholy subject of the execution of a capital convict of the name of Jeffries. They are dated Tuesday and Wednesday. The first encloses to the minister a petition which her majesty had received in favour of the culprit; upon which she says to her minister, "it appears he has a wife and six children;" and concludes "*if it be a case of compassion*" (that is, a case where mercy can probably be shown) "take care that his life may be saved."

The other note, of the following day, states, that she has "*been so pressed by the woman*" (the wife of Jeffries, no doubt); and positively commands a respite of the execution, to afford time for a full inquiry into the circumstances of the case.

The third communication from her majesty is of an open letter, which she had written to lord Peterborrow, and thus submits to the perusal of her secretary. There is nothing in the envelope by which the nature of this letter can be inferred.

Her majesty uniformly subscribes herself,

"*Your very affectionett Friend*
"ANNE R."

PROPERTY TAX.

London, Dec. 12.—The commissioners, throughout the several districts of England, are to receive immediate instructions from the tax office, to assess landed property, according to its present actual value, under the recent reduction of rents.—From a late official calculation, the following principal landed estates of England, are nearly thus estimated:

	Per Annum.
Duke of Northumberland,	*L.*125,000
Duke of Devonshire,	115,000
Duke of Rutland,	107,000
Duke of Bedford,	95,000
Duke of Marlborough,	90,000
Duke of Buccleugh,	90,000
Earl Grosvenor,	84,000
Duke of Portland,	80,000
Marquis of Cholmondeley,	78,000
Marquis of Hertford,	77,000
Earl of Bute,	76,000
Earl of Lonsdale,	74,000
Earl of Fitzwilliam,	70,000
Duke of Norfolk,	68,000
Earl of Darlington,	65,000
Duke of Beaufort,	60,000
Earl of Harewood,	60,000
Earl Spencer,	58,000
Mr. Coke,	52,000
Earl of Egremont,	50,000
Colonel Hughes,	49,000
Sir W. Manners,	43,000

There were no less than 700 marriages solemnized in London, on the same evening with that of the princess Charlotte; and numerous bets are depending on the result.

Koningsberg, April 11.—According to the last accounts from Marienberg, 53 villages in the great Werder, with 9930 inhabitants, and in the districts of Tiegenhoff, 49 villages with 19,902 inhabitants, were under water. To these are to be added the Elbing villages, 17 in number, with 4000 people.

BRITISH COLONIAL POPULATION.

The following is an abstract from the Official Returns of the Colonial Population, printed by

order of the House of Commons, July 12, 1816.

	Whites.	Free Persons of Colour.	Slaves.	Totals.
Dominica,	1,325	2,983	21,728	26,036
Demerara,	2,871	2,980	71,180	77,031
New Providence,	1,720	1,074	3,192	5,986
St. Vincent,	827	646	22,020	23,493
Grenadines,	226	78	2,000	2,304
Bermuda,	4,755	00	4,755	9,510
Surinam,*	229	375	51,937	52,541
Curacoa,	2,781	4,033	6,026	12,840
Grenada,	771	1,120	29,331	31,222
Martinique,†	9,206	8,630	77,577	95,413
Berbice,	550	240	25,169	25,959
	25,261	22,159	314,915	362,335
In addition to the above, the Slave Population of Jamaica is given at			319,912	
That of Barbadoes at			20,000	
And that of Antigua at			80,568	
Total Number of Slaves,			1,185,395	

London, Jan. 12.—We noticed yesterday the enthusiastic and almost unanimous cordiality with which the French chamber of deputies voted the expulsion of the assassins of Louis XVI.—Strange as it may appear, it is nevertheless true, that out of a number of men, not less than 370, all in the prime of life, in 1793, only sixteen are now alive to receive their punishment. Of these, only five have been conspicuous characters of late years; the eleven minor traitors have wisely covered their sanguinary heads with the veil of obscurity, and have thus escaped that execrable notoriety which their fellow criminals seem to have courted. The five worthies who are best known to the present generation, are Cambaceres, Carnot, Fouche, Barrere, and Garat.

EXTRAORDINARY SURGICAL OPERATION.

A London paper details the following extraordinary surgical case.—"About six weeks ago an old woodman, returning from labour in the neighbourhood of Milverton, Somersetshire, fell against the stump of an oak. From the violence of the fall, his left eye was literary torn out, and pierced completely through by a splinter two inches long; in this state he returned to his cottage.—An eminent oculist of Milverton humanely and gratuitously attended, took out the splinter, and replaced the organ, though removed two inches from the orbit, hanging only by a portion of muscle and ocular membrane.—This effort of chirurgical genius was aided by nature; and the eye is positively preserved, and fixed in the orbit.

* Restored to the Dutch—† To the French.

The number of Bibles, Testaments and Prayer Books, printed at Cambridge, England, during the last seven years, was 1,009,000; at Oxford, including also Catechisms and Psalters, 1,446,000. The value of the whole was 954,350 dollars.

MIRACULOUS PRESERVATION.

The following are the interesting particulars of a late shipwreck, wherein the sufferings and privations of the survivors are almost without a parallel in the chequered details of the dangers to which seamen are exposed:—On the 4th of September the brig Friendship, captain N. F. Carder, sailed from Miramichi, New Brunswick, with a cargo of timber for Bideford. On the morning of the 18th, she sprung a leak; and on the 22d, (the unremitting efforts of the crew at the pumps proving unavailing to keep her free) she was full of water. In this deplorable condition, without the possibility of getting below, and distant, by their calculation, about 347 leagues from the coast of Ireland, they kept the vessel before the wind, under easy sail, in the forlorn

hope of being able to make the land; but unhappily on the 28th (when by supposition, they were about 70 leagues from Cape Clear,) a sudden squall coming on, she broached to and overset! By this melancholy disaster, two poor souls were washed overboard and drowned, and the whole of the provisions and water they had collected on deck, with both boats and every moveable article, were swept away! The rest of the crew, consisting of the captain, mate, three men and four boys, with difficulty supported themselves on the side of the ship; when after remaining in this awful situation about 40 minutes, having in the mean time carried away her foremast, bowsprit, and maintopmast, she righted. From the condition the vessel was in, however, she had gradually settled, abaft, and from midships forward was the only part left above water, upon which the miserable survivors could obtain an insecure footing, every succeeding wave threatening to hurl them into the dreadful abyss! For six tedious days and nights these devoted sufferers remained in this wretched and hopeless state, without a morsel of bread to sustain the cravings of nature; all of them very thinly clothed, several without shoes, stockings or hats, and the few garments they wore constantly wet, owing to the rain that fell, and the sea that broke over them. From the former, however, they fortunately derived some sustenance; for during rain, they suspended a bed quilt in the remnant of the rigging, and, when completely saturated, by carefully squeezing it, they obtained three pints of water on each trial: with this, and a small quantity of rum, (the only necessary saved, but so much impregnated with salt water that captain Carder, to prevent its being used in a raw state, frequently threatened to throw it overboard) they made weak grog, which was sparingly served out to them in the heel of an old shoe, the best substitute they could find for a glass. The ship had been much infested with rats: and after these vermin were driven from their lurking place below by the water, they took refuge on those parts which were left dry, and openly run about among the people on the forecastle. From this station the captain would not permit them to be driven, lest in the extremity of their distress, should no friendly sail appear in view, they might ultimately be compelled to have recourse to these troublesome guests, as a temporary respite to expiring nature! But the rats were a terrible annoyance to the almost exhausted sufferers: as the vermin fell a prey to want, they devoured each other —nay, they even attacked the naked feet of the seamen whilst asleep, and when brushed away by their hands, fastened to their fingers! With a view of keeping hope alive amongst his almost dying companions, the captain offered two dollars, which he found in his pocket, as a premium to the man who shall first decry relief; but faith and vigilance at last centred in himself alone, and on the evening of the sixth day, (4th Oct. in lat. 50. 30. long. 14.) he providentially espied a sail, which he did not, however, announce for ten minutes, lest the stranger should not steer in their course.— When all doubt on so momentous a point was removed, he ordered the friendly bed quilt, (which had been before so serviceable, and was the only signal they could

then muster) to be hoisted; and the harbinger of their joy proved to be the Sachem, captain Howland, of Boston, from Liverpool for America, who immediately on perceiving the wreck, bore down, and rescued the sufferers, at a moment when despair had apparently reduced nearly the whole of them to the last stage of existence. After being all safely removed from the wreck, captain Howland, with genuine Christian benevolence, treated them with the tenderness of a parent—administering to them simple food in limited quantities; and by similar judicious means their dormant faculties were soon reanimated, and they were all speedily restored to the use of their limbs. Two days afterwards, they fell in with the John, captain Brassey, from Africa for Liverpool; to which vessel they were transferred, and after again experiencing the humane and feeling regard due to their pitiable state, were safely landed at Liverpool on the 15th October. Their deliverance was most providential, as a gale of wind and a heavy sea came on the following day, which must have swept every soul off the wreck. On the 11th, seven days after they were picked up, the vessel was fallen in with, in lat. 50. 57. long. 12. 30. drifting at the mercy of the waves, by the William, arrived at Liverpool from New York. We have been careful to detail the particulars of this singular escape, having obtained the information from one of the survivors: and were at the same time anxious to record so striking an example of the benefit to be derived, in similar circumstances, from the pious resignation, coolness and intrepidity, by which the conduct of captain Carder was so eminently distinguished throughout the whole of this very trying and appalling scene.—*Caledonian Mercury.*

DREADFUL DESTRUCTION OF THE FRENCH IN RUSSIA.

We expressed our opinion (says a late writer) that one hundred thousand of Bonaparte's followers might have fallen in Russia, victims to his cruel ambition, by the climate and the sword.—The following Russian official accounts will show, that more than double that number thus perished.

"In conformity to the direction issued by government, for the complete destruction of the dead bodies of men and horses, belonging to the enemy, which fell in battle, or perished from the cold, and had not been committed to the earth, the following reports have been transmitted by the governors of different provinces.

"In the government of Minsk, up to the end of January, 18,797 dead bodies of men, 2746 of horses, had been burned; and there still remained to be burned of the former, 30,105; and of the latter 27,316; the greater part of which were found on the banks of the Beresina.

"In the government of Moscow, up to the 15th of February, 49,754 dead bodies of men, and 27,849 of horses had been burnt, besides a number of others that were buried.

"In the government of Smolensk, up to the 2d of March, 71,735 dead bodies of men, and 51,430 of horses, had been committed to the flames.

"In the government of Wilna, up to the 8th of March, 72,202 dead bodies of men, and 9,407 of horses, had been put under ground.

"In the government of Kaluga, up to the 11th of March, 1017

human corpses, 4,384 dead horses, had been burnt.

"The sum of the whole was 213,516 human corpses, and 95,816 dead horses, exclusive of many others, either burned or buried, of which no account was taken. The strictest measures have been taken for destroying, before the approach of spring, the dead bodies that may be found in the river or woods."

Among the most amusing articles of the day, is the following pompous account of the visit of his sable majesty HENRY into his capital of Cape Francois. When we consider the odious character of this man, and the abhorrence in which he is held by the unhappy race confined within his petty empire, and reflect that the great parade of troops was required more for his safety than for show, we are not a little disgusted with the fulsome language made use of. We publish the article as a curiosity to the American reader.

Cape Henry, (*Hayti*,) *August* 20. —As soon as the people of Cape Henry understood that our august and well beloved sovereign was about to return to the capital with the royal family, to celebrate the fete of her majesty the queen, our most gracious sovereign, they testified their joy by the most lively transports, and in their enthusiasm they went in crowds to the avenues of the city by which their majesties were to enter; the streets were levelled and covered with boughs of trees; and triumphal arches were erected on the bridge of Cape Henry and on the queen's road.

For a long time the people of this city have desired to have their king among them; but his great military occupations in the interior would not suffer him to be often among us; the approaching arrival of their majesties could not, therefore, but occasion the greatest joy among the inhabitants of this capital.

To give a just idea of the truly triumphant entry of their majesties into their good city of Cape Henry, we think our readers will be pleased if we relate the proceedings on this memorable day, and on the following days which glided away in festivity and rejoicing.

On the 14th in the morning detachments of the different corps of the household troops of the king, who were about to return to the capital, moved from the garrisons of Castle Henry and from the barracks of the palace of Sans Souci, and set forward with the greatest regularity, in the following order, viz.

A detachment of the corps of royal artillery with two pieces of cannon, commanded by his excellency the count of Gross Moror, marshal de camp, and major commanding said corps.

A detachment of body guards commanded by colonel the baron of Athis-Richer.

A detachment of five brigades of Haytian guards, commanded by the chevalier de Nere, second major of said guards.

A detachment of five brigades of chasseurs of the guards commanded by his excellency lieutenant general count Eunery.

The four corps of artillery and infantry of the king's guards were under the immediate orders of his excellency count de Valiore, lieutenant general and second commander of the Haytian guards.

Next to the infantry were detachments of three corps of the light horse of the king, of the queen, and of the prince royal,

under the command of his excellency count Ouaminthe, lieutenant general commanding said corps.

All these troops entered a little after mid-day into the capital, and in the greatest order.

Their majesties quitted the palace of Sans Souci at two o'clock; they were followed by a large and brilliant assemblage—the march was commenced by a detachment of light horse; then came the king's aid-de-camp bearing the royal standard.

The carriages were placed according to rank, as follows—

The carriage of the king with eight horses; on the right and left were the baron of Monpoint, grand usher, and the duke of Fort Royal, grand marshal of the palace; and at their sides were the duke de Avance, first chamberlain of the king, major commanding the light-horse of the king, and the chevalier David, first usher to the king.

After the carriage of the king rode the minister of state, the count of Limonade, the secretaries of the king, and other officers of his majesty.

The carriage of the queen with eight horses; at the doors on the right and left were his excellency the count of Terriere Rouge, chevalier of honour to her majesty, and the duke of Artibonite, grand marshal of Hayti, major commanding the body guard.

The carriage of the prince royal with eight horses.

The officers of the household.

The carriage of her royal highness madame Premiere with eight horses.

The carriage of her royal highness madame Athenais with eight horses.

The carriage of her royal highness the princess Jane, lady of honour to her majesty the queen, six horses.

The carriage of her royal highness the princess Noel, lady of the bed chamber to her majesty the queen, six horses.

The carriage of the countess of Ouaminthe, governess of her royal highness madame Premiere, four horses.

The carriage of the countess of Terriere Rouge, governess of madame Athenais, four horses.

Many court carriages.

Next came the carriages of the dignitaries of the kingdom, which formed a long file as follows, viz.

The carriage of the princess of Limbe, with six horses.

The carriages of the duchesses of Plaisance, Artibonite, Avance, and Marmalade, with six horses each.

The carriages of the countess of Valiere, Latavon, Eunery, Richeplaine, and Tiere Neuve, four horses each.

The carriages of the baroness of Sicardy, Ferrier, Dupuy, Charrier, and Vaston, with four horses each.

An infinite number of persons of all ranks and sexes followed the procession in carriages and on horseback.

At some distance from the bridge of the city of Cape Henry, his majesty was saluted by his royal highness prince John, grand admiral of Hayti, who met him at the head of the officers of the royal marine. His royal highness, after having presented his felicitations to the king, took his station, and the officers of the marine joined the procession.

On the bridge the foreign merchants established at Cape Henry appeared on horseback to meet his majesty. As soon as they perceived the king, they alighted, and

placing themselves on each side of the way, they received his majesty with huzzas, throwing their hats in the air.

In front of the bridge there had been raised a triumphal arch, ornamented with inscriptions, and another was placed on the road of Limbe to Cape Henry, and seemed to invite their majesties to take the road to the capital.

At some distance from Barriere Bouteille his majesty descended from his carriage, and mounted a horse; at the gate of the city was the duke of Marmalade, governor of the capital, with the officers of his etat major, who received his majesty and complimented him.

The king's regiment lined the road, and preceding them was the queen's regiment.

The forts and batteries of the city saluted their majesties with one hundred discharges of cannon; the ships of war belonging to the king, and the foreign vessels fired the same salute.

The inhabitants of the capital, men, women, and children, ran to meet their majesties, and were ranged on each side of the way, and rent the air with cries of 'Long live the king'—'Long live the princesses royal'—'Long live the whole royal family.'—We do not recollect ever seeing the like enthusiastic joy on any occasion—the happiness which they felt was pictured upon their countenances.

The king, in the uniform of the Chevau-Legers, mounted upon a superb horse, richly caparisoned, saluted the people every instant, with his hand and with his hat, who could not contain their joy, and who almost stunned him with their applauses and shouts.

At the entrance of the city was a magnificent triumphal arch, elevated with much elegance and taste, decorated with garlands, and covered with inscriptions.

His grace, my lord the duke of Anse, archbishop of Hayti, and grand almoner of the king, was under this arch with the clergy of the capital, to receive his majesty beneath the canopy; here were also the attorney generals, and king's advocates; the counsellors of the high court of justice, and the counsellors of the court of jurisdiction and admiralty. The merchants of Cape Henry, the most respectable inhabitants and ladies of the city, were also at this place, for the purpose of receiving their majesties.

On their majesties' passing under the arch, the archbishop had the honour of presenting the canopy, which their majesties refused with modesty; they slowly traversed the Spanish street, preceded by the clergy and officers of the finance and of justice, to proceed to their palace.

The Spanish street, and all the streets bordering on it, were filled with people, who rent the air with their acclamations. The most lively joy shone in the faces of their majesties, who testified to the people by salutations with their heads and hands in the most gracious manner, the satisfaction which penetrated them. In this manner were their majesties accompanied even to the gates of the palace by the acclamations of an immense crowd.

The people have manifested in this instance how much they love their august sovereigns.

In the night every house in the city was illuminated; there were fire works and balls in different parts of it.

An immense crowd covered the ground opposite the palace, in the evening and during the night.

The entry of their majesties into their capital was the most

magnificent spectacle ever seen in Hayti. The row of superb carriages, richly harnessed, which extended an immense distance; the beauty and richness of the uniform of the troops, who were all armed; the shouts of joy, together with the firing of cannon; gave to it a martial and warlike appearance which made it triumphant.

During this memorable day, the eye of the spectator has reposed upon objects the most gratifying: the richness, the variety, and elegance of the costumes, the good appearance of all classes of society, announces ease and happiness, which is a most pleasing object to behold. But the tears come to the eyes, and the heart expands itself, on seeing the spontaneous movements of the people, on the approach of their majesties, rending the air with cries of joy, of love, and of gratitude, and which flows from the heart. Oh! that our august sovereigns may have been penetrated with an exhilarating joy, with a satisfaction the most pure, at receiving so many proofs of zeal, fidelity, and love!

Sovereigns are often deceived by the falsehood of flatterers; but the unanimous voice of a people cannot deceive; it is the voice of truth; if happy, they manifest their joy by shouts, which are dictated by gratitude; if unhappy, they keep silence, a sign expressive of their grief! O you, our august sovereigns, who are the causes of our joy and happiness, you have been witnesses of our transports; you can judge of our happiness, and how you are loved; always be our tutelary angels; love, protect, and cherish your good people; you will find in our devotedness, our fidelity, and our gratitude, the recompense due to your virtue; for the greatest favourites and the best friends of kings are their people.

EXPERIMENTS ON FOREIGN WINES.

[BY DR. REES.]

From the seventh number of the Gazette of Health.

It is proper to observe, that all wines naturally possess a proportion of alcohol (ardent spirit), but to the foreign wines a quantity is added, to prevent their running into the acetous fermentation during their voyage to this country, and this is proportioned to the quality of the wine. In order, therefore, to ascertain the quantity, the different wines contain on an average, the experiments have been made on wines from different venders. Brandy and rum are sold at different degrees of strength; indeed, some termed white brandy and white rum are highly rectified. The brandy and rum employed in the following experiments, were obtained from a respectable wine merchant, who was desired to send samples of the articles as generally sold to the public.

A bottle of Port Wine, containing 26 ounces, which had been in bottle seven years, produced 2 ounces and 7 drachms of alcohol, (ardent spirit.)

Do. of Port Wine, containing $25\frac{1}{2}$ ounces (one year in bottle and two years in wood), 2 ounces and 6 drachms.

Do. Pale Sherry, 3 years old, containing 25 ounces, produced 3 ounces.

Do. of Madeira, two years old, containing $25\frac{1}{2}$ ounces, produced 3 ounces.

Do. Cape do. one year old, containing 25 ounces, $2\frac{1}{2}$ ounces.

Do. Old Hock, containing 21 ounces, nearly an ounce.

Ditto brandy, containing 24 ounces, ten ounces.

Ditto Rum, containing 24½ ounces, 9½ ounces.

A quart of public house Ale (not bottled) from the brewery of Mr. Wyatt, 1 ounce.

From a quart of common draught Porter from the brewery of Messrs. Elliot & Co. 5½ drachms.

From the foregoing results, it appears, that four bottles, either of Port, Sherry, or Madeira, contain more ardent spirit than a bottle of brandy.

Three bottles of Sherry are nearly equal to one bottle of rum.

That 10 bottles of Hock, or 10 quarts of Ale, or 14½ quarts of Porter, are equal to a bottle of Brandy.

The residuum of Port Wine contains an astringent extract, and more tartaric acid than that of Madeira, and the Sherry less than Madeira. In one bottle of Port, a small portion of vitriolic acid was detected. The Hock also contains a considerable portion of tartaric acid. The residuum of the Rum contains raw sugar, and the Brandy burnt sugar, with a pungent aromatic, resembling capsicum. The residuum of the Ale and Porter was very bitter, and the spirit of the former was slightly flavoured with the essential oil of the hop. Both contain saccharine matter.

INTERESTING DISCOVERY IN ANATOMY.

M. Le Gallois, of the faculty of medicine of Paris, has lately made some interesting inquiries on the principle of life, and particularly on the motion of the heart as connected with it.

His experiments prove that the maintenance of life in any part of an animal essentially depends on two circumstances; one of which is the integrity of that portion of the spinal marrow corresponding with the part; the other, the continuance of the circulation of arterial blood in this part, an effect produced by respiration; it follows, then, that any portion of an animal can be made to exist separately, so long as both these conditions can be fulfilled.

M. Le Gallois supposes that the brain wills and regulates all the animal motions, but the movements themselves depend on the influence of the spinal marrow. A cold-blooded animal for example, lives for some days, and moves its limbs after the brain is removed; but its movements are useless, and those of the feet in contrary directions, so that if it takes one step forward, the next is perhaps one step backward. He imagines that the spinal marrow is acted upon by the brain in the same manner as the muscles are acted upon by the spinal marrow.

Dr. Gallois repeated all his experiments in the presence of Messrs. Humboldt, Halle, and Percy; by whom a particular examination of the facts was made. In confirmation of the doctor's theory, we recollect ourselves having witnessed some years ago a curious spectacle. A frog had been decapitated for the purpose of making some galvanic experiments with the head; and the body thrown aside into a tub of water. Next day, twenty-four hours afterwards, the body of the frog was taken up and submitted to the operation of galvanism; when all of a sudden, the little animal capered up, and hopped first forwards and then backwards, continuing its frolics in this manner for the space of half an hour.

The Royal Court of Paris was on Saturday last, Dec. 16, 1816,

occupied with the following case:

In 1811, a Monsieur Crivelli and Co. solicited the management of the theatre and gambling houses of Milan. With this view, it was proposed to make a magnificent present to Prince Eugene, the son in law of Bonaparte. M. Fusi, the prince's jeweller at Milan, was, in pursuance of the plan, ordered to purchase a famous Oriental sapphire, in the possession of M. Perret, a jeweller at Paris. The bargain was concluded for 150,000 francs, of which part was paid down in pearls and diamonds, and the remainder secured by a bond for 40,000 francs, payable at sight. Meanwhile the plan for the direction of the theatre and gambling houses at Milan failed, and the sapphire was left on the hands of the purchaser, who in a few days presented it to the seller, and insisted he should take it back, alleging that the bargain was conditional. M. Perret refused, and M. Fusi, in a rage, threw it upon the counter and left it there. A suit was instituted, but the newspapers of the day were not at liberty to mention it, and after a long and expensive process it was decided against M. Perret; but this judgment was afterwards reversed, and M. Fusi was ordered to pay the 40,000 francs, besides damages, as a libeller. M. Fusi since failed, and the sapphire, which remained in the possession of M. Perret, was sold under the judicial decree. It produced only 40,100 francs, instead of 150,000, and the distribution of this sum became the subject of a new suit, in which the creditors of M. Fusi succeeded in the first instance against M. Perret, who insisted upon retaining the whole in discharge of the bond. The royal court, after a long hearing, confirmed the decree, and directed that M. Perret should be allowed to come in only for a share in common with the other creditors of the bankrupt.—*Paris paper.*

HORRID MURDER.

The newspapers of Rome give the following account of a murder perpetrated in that city. The assassin is *Thomas Borzoni*, an ecclesiastic. Condemned to exile for a robbery, he conceived the idea of assassinating a priest named Dominique Valdambrine, his maid servant, and a young man who lived in the same house, and taking all the money he was in hopes of finding. The assassin had been treated with the greatest kindness by this ecclesiastic. One evening he went to his house, armed with a poniard, told him that he was condemned to exile, that he was pursued by the police officers, and solicited of him an asylum for the night, promising to quit Rome the next morning. The good old man granted his request. In the night the assassin rose with the intention of committing the crime, but the feelings of humanity and friendship got the better of him, and he renounced his plan, and returned to bed. Next morning, having thanked the generous but imprudent old man, he departed; but in the course of the day repenting of his weakness, he returned in the evening to the priest's house, and obtained again, under a different pretence, leave of passing the night there; the enormity of his crime again stopped his criminal arm, and he went away the next morning without having perpetrated it. During this day he again repented of his weakness, and to steel his heart, had recourse to drinking. He returned to the

house of the astonished ecclesiastic, who not suspecting any personal danger, was soon induced, by the artful address of this wretch, to grant him again his wish. About the middle of the night he lighted his lamp, placed it in the room of his host, cut his throat, and stabbed him in the breast, without his victim uttering a cry. He then went to the bed of the maid-servant, and though he stabbed her in five places with his poniard, she still had strength to escape from the murderer, and ran to the room of her master; but seeing him weltering in his blood, she hid herself under the bed, but this monster dragged her from it by the hair, and stabbed her without mercy. He then gathered together the property of his victims, slept a short time in a chair, and went to a friend of his in the city. It was at his friend's that he was apprehended; he has been tried, and sentenced to be degraded from the ecclesiastical functions, and his head struck off.

Port Louis, Oct. 1, 1816.—"On the 25th ult. a fire commenced in this town, and burnt with great fury until the next night, sweeping away about two thirds of the houses and nearly all the stores, together with their contents, which the rapidity of the flames did not permit to be moved, the buildings being chiefly of wood, and the streets narrow. The loss is estimated at four millions of dollars—one person lost nearly half a million, chiefly in merchandize—and many others have lost from fifty to two hundred thousand dollars—so that from being one of the wealthiest cities of the size in the world, it is reduced to complete poverty—even those few persons who have not their property destroyed by fire will suffer greatly, as, owing to the long credits given in business, their property is mostly in notes of individuals, many of whom may not pay 25 per cent.—in fact there are it is feared but few of the mercantile houses that can stand the shock. There was much more property in the town than was usual, owing to the port having been shut to foreigners on the 18th ult. The merchants bought every cargo which arrived for a long time previous, so that there was about two years stock on hand, of which not a quarter was saved—and what renders it still worse for the colony, the custom of insuring has never been adopted.

"The day after the fire, there were two or three thousand persons encamped on the fields, without money, clothes, or provisions. Fortunately part of the government stores were saved, and the governor humanely ordered the commissaries to issue provisions and tents to the necessitous.

"The scene during the raging of the fire was so horrid that I must pass lightly over it. The 56th regiment, in garrison, was sent to assist in stopping its ravages—but the greater part of them soon delivered themselves up to plunder and intoxication, several of whom paid the forfeit of their misconduct, as they had rendered themselves incapable of retiring from the flames, and were consumed in the houses and cellars. The negroes were as ready to plunder as the soldiers, but not so eager for drink, consequently could be forced to render some assistance.—The supply of water was very bad, and they have not a fire engine superior to our garden engines, no fire hooks or buckets, nor any fire officers or regulations. The har-

bour to leeward, and a very broad street to windward, were the boundaries of the devastation.

"The governor is about issuing a proclamation granting a free trade, and he, together with the inhabitants, will petition the king to render it a free port. He has determined to support the bank, and to assist him to do it, all the Americans have sold him their specie, which will enable them to receive their demands without delay, otherwise I know not what would have been the detention. Though Mr. Bickman, who does all their business, has not suffered much, and would have exerted his utmost endeavours; yet, as all payments have been suspended by proclamation till the 1st of January next, he would have found it difficult to make arrangements."—*Boston Palladium.*

It appears that several journals are now published in Russia, in less considerable cities than Petersburg, Moscow and Riga. It is thus that a commission from the university of Casan publish a sheet weekly, which is very well written. At Astracan a journal, political and literary, in Russian and Armenian languages. Some young Professors of the university of Charkew, publish a literary journal, which every month completes a quire of paper, under this title, "The Herald of Ukarine." The Professor Maslowitsel publishes in the same city, a journal, monthly, very satirical, entitled, "Democritus in Charkowkew."

MODERN REFINEMENT.

Battle between Carter and Oliver.—The fight between *Carter* and *Oliver* took place on Friday within one hundred yards of Springfield, in Scotland, commonly called Gretna Green, in the presence of at least 15,000 spectators. The time and place were arranged by the respective parties on Thursday; and on Friday morning the roads leading to the scene of action were completely glutted with all degrees of passengers; coaches, carriages, curricles, gigs, sand-carts, horses, donkies, all were put in requisition, and the grotesque scene was not a little heightened by the wet weather, and dirty state of the roads. In Carlisle, for some time previous to the day of battle, not a vehicle of any sort, nor a horse, could be obtained either for love or money. The battle was fought in a twenty-four feet ring, and the ground, though not the most favourable, was in a very tolerable state. About half-past twelve o'clock, Carter made his appearance and entered the ring with great confidence. He was immediately followed by his opponent, Oliver, who came forward in equal spirits. Carter was seconded by Painter, and Oliver by Cribb; the Marquis of Queensberry and Colonel Barton, umpires.

Observations.—The battle lasted 48 minutes, and was one of the most punishing description—the greediest lovers of *milling* were satisfied! Both came into the ring well trained, and both were confident, but Carter proved much superior in weight and strength to Oliver, and in every close mangled him terribly on the ropes. Carter saw this advantage and followed it up, but he also had the best of the off-handed hitting: it appeared immaterial to him, left hand or right, and the blows of both told most effectually; after the 15th round, Oliver had no chance, but he proved his bottom completely, as he scorned to sur-

render while he knew where he stood. He was taken away from the ring and put to bed at Longtown with both his eyes closed, cut up in all directions, and insensible: surgical aid was procured, and he fainted several times under the pressure of his sufferings, but we were informed at Longtown, he afterwards revived and took some refreshment. Carter, though comparatively but little injured, displayed sound bottom; he feels most from the body blow received in the 10th round; he left the ring in high spirits, and amidst the cheerings of his friends. Many thousand pounds depended on the issue of this battle, and the Londoners, who were very confident, are taken in largely. They had a notion that Carter had no bottom in him, and could only hit with his left hand; the event has proved both ideas to have been fallacious. —Carter acquires both fame and fortune by his victory; he is now champion of England, Cribb having declared off. Too much praise cannot be given to Painter, who trained Carter; and we may rest assured that Oliver was treated in the first style under the hands of captain Barclay. The battle was more distinguished for desperate, straight-forward fighting, than for science, of which very little was displayed after the two or three first rounds. The Carlisle people have pretty well lined their pockets, and they might have done so in a ten-fold degree, if they had accepted the offers of the forward Londoners! but they acted a prudent part. Carter himself pockets about 150 guineas.

Intervals of half a minute between the Rounds.

Round 1.—The combatants faced each other with much cautious sparring. Carter struck the first blow, but it did not take visible effect. After an exchange of a few blows, which were not marked by any peculiarity, they closed, and Carter forced Oliver on the ropes, where he put in practice his system of terrible *punching*, which he took care that his opponent should feel. Both got on the ropes alternately, and after a severe struggle, Oliver fell and had the worst of it; he lost wind, and exhibited the first *claret*, under his right *listener*.

2.—Hard fighting at the commencement, and many were the mutual *salutations* exchanged. Oliver was very polite, for he got on the ropes again, which was suitable to the strength and manner of Carter; here some horrible *fibbing* took place, and at length Oliver went down, having the worst of the round. Betting in favour of Carter.

3.—The first blow put in by Carter, which was a tremendous *left-hander;* it was returned with equal spirit by Oliver, who spilt the *claret* of his opponent, though in a trifling degree. Carter paid him off in his own coin, for he played *open sessema* over the left *peeper* of his opponent, and the blood flowed in very copious streams from the wound. After some severe hitting, they closed and *fibbed;* both fell out of the ring between the ropes; Carter had the advantage. Carter continued the favourite.

4.—Oliver commenced the round with smart hitting, and followed up his blows, but Carter hit hard in return, and got away with dexterity; they closed, *fibbed*, and Oliver fell under, Carter having the advantage.

5.—Carter planted four terrible hits on his opponent's *chops*, and Oliver did not succeed in the *grateful* return which he attempted to make; they closed and each

got on the ropes alternately; where Carter's strength was conspicuous, and to his opponent, as hurtful as it was apparent. After a severe struggle they fell, Oliver under, and outside the ropes. Carter again had the advantage.

6.—Carter struck both right and left with great effect. But Oliver seemed to know nothing of what some call *flinching*. After a considerable rally, they closed, and Carter was hit down. A turn in favour of Oliver, and repeated cheering from his friends.

7.—Oliver planted a fine *chop-per*, but Carter returned the compliment with interest five per cent.; Carter closed and *fibbed* away in grand style, and a long struggle on the ropes ensued; at length Oliver fell under and Carter had the advantage.

8.—Oliver planted a fine salute which on an ordinary man would have proved a *jaw-breaker*, but somehow Carter was so squeamish and so tenacious of an obligation he could not rest till he gave a *Rowland* for the *Oliver*, and was again even with him. Oliver *scored* Carter's eye, which was rather weakened; they closed and Carter fell under; Oliver much cut.

9.—Carter came in good spirits, but rather blown, which was observed by Oliver, and he hit and followed up, but without making any impression. Carter slipped and measured his length on the ground. Betting in favour of Oliver.

10.—Both the combatants made their appearance in good wind. Oliver planted a fine hit in Carter's *bread-basket*, and Carter fell on his back, as complaisant as his greatest enemies could wish; the blow was an *astonisher;* one hundred to ten in favour of Oliver.

11.—Carter came to, much *physicked*, and very weak, but he made the best of a bad matter. Oliver dealt out right and left with decided advantage, and again knocked down his opponent. Oliver the favourite; it was Carlisle to a pig-stye on the event!

12.—Carter got second wind in an unexpected manner and came to his man decked out in all the smiles of good humour—he seemed quite pleased with his share of the game! This was hailed with rapture, for the two preceding rounds, combined with the wet weather, had contributed to throw a *damp* over his friends, and the other party began to think that the rays of their sun were nothing but *moonshine*. How this might be we cannot exactly say, but their *gleam* was still visible, for after some blows on each side, not of the most gentle nature, Carter was again hit down, but Oliver followed his blow, and both kindly fell together like good company.

13.—Carter cautious; hard hits with both hands on each side, and both paid their respects to Mother Earth; Oliver being the greatest *devotee* fell under. Carter lighted on his head, but betting began to turn in his favour on the plea that such a fall could do him no injury!

14.—Fine fighting, some hard hitting, and straight-forward *milling;* they closed, and Oliver threw Carter from his hands. Any odds in favour of the former.

15.—Commenced as usual with smart hitting, but they were as loving as ever, for they soon embraced and hugged most closely. After a long struggle on the ropes, and some severe *punching* on each side, Oliver fell and had the worst of it.

16.—Carter came again with

strength and spirit, and Oliver was not backward. After some hard hitting, they closed and fell; Oliver under and much hurt.

17.—A mutual exchange of terrible blows without any *fuss;* the pounding of the walls of Algiers by the 42-pounders, was nothing to it! Another close and the usual struggle on the ropes, in which the strength of Carter and his knack at *fibbing* gave him great advantage. Oliver fell in much *tribulation*, and the sanguine current streamed from him in the greatest profusion. Carter the favourite.

18.—Carter put in a *tickling left-hander*, on Oliver's *potatoe-trap*, as was expressively observed by one of his friends in our rear; both fell on *all fours*, but the game was more like the *devil-to-pay!* Carter the advantage.

19. Both men came again in fine style and took it coolly. Carter paid another visit, *sans ceremonie*, to Oliver's *potatoe-trap*, and threw him easily at the end of the round.

20.—Oliver nearly blind. Carter *lunged* him severely, closed and *fibbed* in his old style. Oliver made a *grateful* return, and at length threw Carter; terrible fighting.

21.—Oliver came again dim as a mole. After a few hard hits in which Carter had the advantage, they closed, and Oliver fell with his opponent upon him.

22.—Carter in fine condition; he planted both left and right handers with effect, but Oliver did all he could to pay off the obligation. This rendered both cautious, but at length Oliver was hit on the ropes and went down in bad condition. Fifty to one on Carter.

23.—Both came with renewed vigour and some fine fighting took place; both fell and Oliver had the best of the round.

24.—Carter sent home a tremendous *chopper*, and Oliver returned it with great good spirit and no little force. Both fell. Carter decidedly the favourite.

25.—Carter's left hand told home. A short struggle, and Oliver thrown out of the ring; Carter much the strongest.

26.—Dreadful hitting on both sides; they closed and Carter again forced Oliver on the rope where he punished him severely. He not only put his head, but his whole body in *Chancery*, as the kiddies have it. Oliver finally hit down, and Carter fell upon him.

27.—Carter hit right and left and got away. Oliver followed him up with much courage and perseverance, but was at last hit down by the superior strength of his opponent, and fell on the rope.

28.—Oliver in a deplorable state, nearly blind, and desperate —the expiring blaze in the socket. After receiving several horrible hits he fell motionless.—Carter proved himself a good *fellmonger!*

29.—Oliver knocked down at one blow. Any odds on Carter, but no one mad enough to take them.

30.—Oliver, completely blinded, made a plunge at his opponent, but was knocked across the ropes in a suffering position.

31.—Carter hit at will, and felled his antagonist at a blow, who was deprived of motion, dreadfully cut, and lost to all sensation. Here the battle ended in favour of Carter. Oliver could do no more.—*London Courier.*

FEMALE SWINDLER.

London.—Mary Ann Bird King, that most ingenious practitioner of the persuasive art, though fully committed, has been again brought

before the Magistrate, in consequence of fresh and important evidence. A Mrs. Hughes, of 81, Fleet-street, stated, she had been robbed and deceived by the prisoner, three years ago. She then stated, that she had eloped from her guardian, in consequence of a marriage with his son being forced upon her. Her brother, Charles Bird, esq. would be in town in a few days, and would take care of her till she was of age. An officer in court said, he had actually taken out a *license* to marry the prisoner, but fortunately made a discovery in time. Mr. Tilt, of Ludgate-hill, said, a relative to a friend of his, at the west end of the town, was in the same predicament, but happily discovered the cheat just before the ceremony took place. Mr. Brecknal, of Tavistock Square, was another person who had suffered from the artifices of the prisoner: she was on the point of marriage with his son, when they discovered her duplicity. Another gentleman, named Thomas, said, she was the person with whom he was to be married only a few weeks back, having met her accidentally at a place of public resort, dressed in a most elegant style: he continued her acquaintance, thinking she was a lady of property: she having told him her father was possessed of immense wealth, near Bath, he made it his business to take a trip there, but could find no such person; the journey cost him about 20*l*. The prisoner appeared all the time in tears. She was committed to prison, and these persons who were not before bound over, now entered into recognizances to prosecute.

SHIPWRECK.

It is with pain, says the Liverpool Advertiser of February 17th, we have to announce the loss of three transports, the Seahorse, Lord Melville, and Boadicea, on the coast of Ireland, with many officers and men, being part of the army from France. The Seahorse, after losing both anchors, drifted upon the sands between Tramore and the further end of the Rabbit Burrow, about six miles from Waterford, and in a few minutes went entirely to pieces. The number of lives lost by this melancholy catastrophe was as follows: officers, 12; soldiers, 262; seamen, 14; 1 passenger; 1 officer's wife; soldiers' wives, 30; officer's children, 2; soldier's children, 40;—Total, 365. The number saved amounted only to 32.—The unfortunate females, it is said, met their fate with uncommon firmness. As the ship drifted towards the shore, with the sea making a clear breach over her, they embraced their husbands, and bade them a final farewell. Mrs. Baird went into the cabin with her children, saying to an officer, "it is the will of Heaven;" and was seen no more. The wife of a private said, "Will you die with me and your child?—but you may escape, and this may be of use," giving him her pocket with a sum of money—she even took out her ear-rings and put them in it. Herself and child were lost.—The survivor, more wretched than they, lives to tell the tale as tears mark his manly face. The Lord Melville and the Boadicea brig, rode out the gale for some time, but at length were driven on the rocks between the Old Head, and the Swan Heads. Shortly after the Lord Melville struck, her boat was launched and manned with five seamen, two officers and two ladies, supposed to be their wives, an assistant surgeon, a serjeant,

and his wife and child, in the hope of gaining the shore,—but, in a few moments she was struck by a wave, and swamped, and every soul perished, with the exception of one of the seamen, who reached the land scarcely alive. All the rest of the people fortunately remained in the vessel, which, at low water in the course of the night, was left nearly dry, and at about one or two o'clock, they succeeded in getting safely to land, to the number of about 400 souls.

The Boadicea was distinctly seen by the revenue officers and military party, with a light at her top-mast, till after midnight—the light and vessel then disappeared altogether, and her fate was easily anticipated. Next morning, her fragments were discovered among the rocks which lie between the two strands of Garrets-town, and where she had been driven after parting from her anchors in the night.—Upon approaching the wreck, a most heart-rending scene of misery, desolation, and death, presented itself to the view.—The vessel seemed to be a confused mass of timber, planks, and boards, broken to pieces, and intermixed with piles of dead bodies—men, women, and children! Near to the wreck was a rock somewhat elevated above the surface of the water, and upon this were seen about 80 or 90 poor human creatures, who had scrambled to it from the vessel, and were still alive. The people from the shore communicated to them as well as they could, that their only chance of safety was, in remaining where they were until low water; but, either through impatience of the misery of their situation, or from the impulse of despair, near 30 of them plunged into the sea, and endeavoured to gain the shore, but in vain, as most of them perished in the attempt. About 60 remained on the rock until low water, and were all saved. The Boadicea, it is said, had on board 280 officers and privates.

AMUSING AND SIMPLE EXPERIMENTS IN GALVANISM.

We know not any science which furnishes more experiments that are both entertaining, amusing, and useful, than galvanism.

Experiment 1. Take any small bird, such as a linnet, whose life has been extinguished not more than two hours, place a small piece of silver in its mouth, and a small piece of zinc or gold in its tail. Connect the two pieces with an iron wire, and the bird will immediately rise up, and expand its wings, and flutter round the room as if alive.

Experiment 2d. Let a person apply a flattened piece of zinc to one of the surfaces of his tongue, and a flattened piece of silver to the other surface, without either of the metals touching each other: but each of them provided with a long iron wire; and, by passing the wires in a parallel direction through a door, behind which they are brought together and separated alternately; the person who makes the experiment, ascertains by the taste he feels on the tongue, the situation of the extremity of each of the wires.

Experiment 3d. A phenomenon, which fifteen years ago would have been considered as chimerical, has likewise resulted from the experiments on the galvanic fluid. It is as follows: A nerve, originally united with several cubic lines of muscular flesh, indicates whether two metals are homogeneous or heterogeneous; and whe-

ther they are in a state of pure regulus, or in an oxydated state.—It also points out whether the coleration of a mineral substance depends on charcoal, or an oxydation which has taken place. The living nervous fibre, is, consequently, a living anthrocoscope, a means of discovering charcoal, almost as certain as the action of iron, and that of alkalis.

Experiment 4th. Porter drunk out of a pewter pot or silver pot, placed upon a server of another metal, has a much stronger taste and richer flavour than when drank without the pot being placed upon a server. If the person who drinks previously moisten his hands with salt and water, the strength and flavour of the liquor will be increased.

Experiment 5th. Tea drank out of china cups with a gold rim, has a richer flavour than tea drank out of cups without a metallic rim.

Experiment 6th. A galvanic pile or apparatus may be constructed out of vegetables when metals cannot be procured; thus, for example, three hundred slices of beet, and the same number of horse raddish, placed alternately, will form a pile as strong as fifty pieces of silver and fifty of zinc.

Experiment 7th. Another curious and well established fact connected with the theory of galvanism, is, that when a fish, instantly after being taken out of the water, is killed by a violent blow on the head, by which the skull is fractured, the irritability and flexibility of the muscles are preserved much longer than they would have been, if it had been allowed to die with the organs of sensation in an entire state. So very sensible are the fishermen of this, that they have recourse to the above practice, with a view to render the fishes they catch susceptible for a longer time to the operation called crimping. Salmon is one of the fishes the least tenacious of life, insomuch that, after having been taken out of the water, it will cease, in less than half an hour, to manifest any sign of vitality, provided it be not exposed to any violence. But if, on the other hand, it receives as soon as it is caught, a violent blow on the head, the muscles will continue for the space of more than 12 hours, to exhibit visible signs of irritability. —*Lynchburg Press.*

THE ORIGINAL BLUE BEARD.

As this extraordinary personage has long been the theme, not only of children's early study and terror, and, as no afterpiece had ever a greater run than that splendid and popular musical entertainment which bears the title of Blue Beard, our readers will, no doubt, be gratified in perusing the character of that being who really existed, and who was distinguished, in horror and derision, by that appellation.

He was the famous Gilles, Marquis de Laval, a Marshal of France, and a general of uncommon intrepidity, and greatly distinguished himself in the reigns of Charles the VI. and VII. by his courage; particularly against the English, when they invaded France. He rendered those services to his country which were sufficient to immortalize his name, had he not for ever tarnished his glory by the most horrible and cruel murders, blasphemies, and licentiousness of every kind. His revenues were princely, but his prodigality was sufficient to render an emperor a bankrupt. Wherever he went, he had in his

suite a seraglio, a company of players, a band of musicians, a society of sorcerers, an almost incredible number of cooks, packs of dogs of various kinds, and above two hundred led horses. Mezeray, an author of the highest repute, says, that he encouraged and maintained men, who called themselves sorcerers, to discover hidden treasures, and corrupted young persons of both sexes to attach themselves to him, and afterwards killed them for the sake of their blood, which was requisite to form his charms and incantations. These horrid excesses may be believed, when we reflect on the age of ignorance and barbarity in which they were certainly, but too often practised. He was, at length, for a state crime against the duke of Brittany, sentenced to be burnt alive, in a field at Nantes, 1440; but the duke of Brittany, who was present at his execution, so far mitigated the sentence, that he was first strangled, then burnt, and his ashes buried. Though he was descended from one of the most illustrious families in France, he declared, previous to his death, that all his horrible excesses were owing to his wretched education. —*Fashionable Magazine.*

SINGULAR DECISION FOR MODERN TIMES.

In a late criminal proceeding before Sir John Nicholl, in Doctor's Commons, against one William Brader, on a charge of incest, for marrying Mary Walton, daughter of his deceased wife, by Thomas Walton, her former husband; the court being satisfied with the evidence produced to sustain the prosecution, first, pronounced the marriage null and void under the canon law, and enjoined on both parties the following penance: "The offending parties to stand in white sheets at the porch of the church during the ringing of the last bell for divine service on a Sunday, and until after the first lesson, asking forgiveness of all persons entering the church; then to be led into the church, and placed in a conspicuous situation near the minister, where they are to remain until the gospel of the day is said, when they are to repeat a submissive acknowledgment of having been guilty of the crime imputed to them, implore the forgiveness of God, promise not to offend again, and intreat the congregation to join with them in saying the Lord's prayer."

At a meeting of the proprietors of Drury Lane Theatre, held at the Crown and Anchor Tavern, (the Earl of Essex in the chair,) the hon. D. Kinnaid read the annual report, from which it appeared that the amount of the aggregate receipt for the last three years has been 222,906*l.* 16*s.* 9*d.* The expenses have been 242,493*l.* 17*s.* 6*d.* being an excess of 19,587*l.* 0*s.* 9*d.* which, together with the debtor balance of 8,050*l.* on the building account, forms the sum of 27,627*l.* 8*s.* 3*d.* the present amount of the debt on the theatre. There will be no dividend for the last season. The committee in conjunction with the Covent Garden proprietors, have addressed the Prince Regent against the announced extension of performance at the Lyceum.

FEMALE DOCTOR IN MIDWIFERY.

A very extraordinary and singular female appointment took place lately at the university of Giesen, in Germany. The faculty of physicians conferred the dignity of Doctor in Midwifery on

the lady of Doctor Von Siebold, of Darmstadt, who, jointly with her husband, has distinguished herself for many years by her philanthropic zeal in that branch of the profession, and by her unwearied exertions to promote vaccination as a preventive of the small pox.

FRANCE.

Paris, Dec. 2.—One Spenler, a farrier's journeyman, has been condemned to two years imprisonment, and to five years *surveillance*, for announcing seditious and false intelligence. In the month of August, being in a public house, he propagated the most alarming news. His manners rendered him suspected by the landlord, who denounced him to Counts A. and R. It was agreed to decoy him to the public house again, when Count R. announced himself as an officer of the ex-guards. Count A. concealed himself to hear what passed; Spenler then praised the pretended ex-officer for not joining the royal guards, announced to him a speedy change, and promised him his protection in obtaining a better epaulet, *i. e.* promotion. Bonaparte, he added, had escaped from St. Helena. He had placed himself in Poland, at the head of a numerous army, had already beaten the English, and was marching upon Paris, supported by 40,000 Hungarians. He would soon make his entrance into the capital, the royalists being soon to be destroyed by a *coup-de-main*.

The Swedish Count de Lawenhaupt, commandant of Helsingburg, has been killed at Copenhagen in a duel with the Danish Baron Muller. The quarrel took place five years since. Baron M. has frequently invited his antagonist to the field, who always declined. At length he complained to the Swedish minister at the court of Denmark, who informed his government, *who ordered the Count to fight.*

The ministers from France, Austria, Bavaria, Holland, Brussels, Prussia, and Portugal, were the parties who were presented with diplomatic snuff boxes, which cost the nation 15,310*l.* 11*s.*

The whole charge of keeping Bonaparte in St. Helena is stated at 300,000*l.* per year.

At a late sale of portraits in England, that of lord Sondes sold for 85 *guineas;* lord Lyttleton, 41; Murnby, 83; Dr. Goldsmith, 127; Sir J. Reynolds, 122; sir R. Chambers 80; Mr. Garrick, 175; Mr. Baretii 82; Dr. Burney, 80; Mr. Burke, 240; Dr. Johnson, 360. They were all painted by sir J. Reynolds.

LOSS OF THE FRENCH FRIGATE MEDUSA.

September 13.—On the 2d of July the French frigate Medusa was wrecked near Cape Blanc, on the coast of Africa, twelve or fifteen leagues from the land. Many of the officers and seamen embarked in their boats, and the residue, one hundred and forty-seven, were placed on a raft, the officers in the boats promising to tow it to the shore.—On the 5th of July, they left the wreck. On the raft there were five barrels of wine, two of water, and twenty weight of biscuit. Some of the persons on the raft were up to their middle in water. They expected to gain the land in less than three days. But immediately after leaving the ship the tow-cable was cut, and

the boats abandoned the raft. The night following, twenty persons were lost from the raft or were pressed to death between its divisions. The second night several persons were washed off from the extremities of the raft, and the survivors crowded to the centre overthrowing one another.—At length the soldiers got at the wine and intoxicated themselves. In this state they manifested a disposition to destroy their officers, and to break up the raft by cutting the ropes which bound it. One of them, who began to cut with a hatchet, was killed by an officer. The revolters drew their sabres; and those who had none, armed themselves with knives. One of them raised his sword against an officer, and was instantly put to death. The seditious then withdrew to one end of the raft. One feigning to be reposing, had already cut some of the ropes. The officers rushed upon him. A soldier assumed his defence. They were both thrown into the sea. The combat became general. The mast broke, and falling, wounded captain Dupont so that he remained insensible. He was seized by the soldiers and thrown overboard; but recovered again. But a mutineer afterwards endeavoured to cut out his eyes with a pen-knife. After a desperate struggle this mutiny appeared suppressed, but it broke out again in an hour, and very soon the raft was strewed with their bodies. There were not more than twelve or fifteen chiefs and passengers to resist all their fury.

At last day-light came, to show a scene of horror. A great number of the seditious had thrown themselves overboard. Sixty or sixty-five men had perished during the night, a fourth part of whom had drowned themselves in despair. On our side we had lost but two. The rebels had thrown two barrels of wine into the sea, and all our water. There now remained only one cask of wine, and there were yet sixty-seven men. We were obliged to resort to extreme means to maintain existence. Those whom death had spared in that disastrous night, threw themselves greedily on the bodies which covered the raft, and cut pieces from them, which some devoured immediately. The fourth morning after leaving the wreck, showed ten or twelve more persons dead on the raft. These were committed to the deep, only one was reserved for food. Towards evening the survivors caught upwards of 300 flying fish. A fire was made, the fish and some human flesh was cooked. A new mutiny was attempted this night; but the leader, a Spaniard, was thrown into the sea, and order restored.

On the morning of the sixth day it was found that only thirty persons remained. Those who survived were in a most deplorable state. Their feet were swelled, and they were covered with wounds and bruises, which compelled them at times to utter the most frightful cries. There only remained wine for four days, and hardly a dozen fish. Two soldiers bored the wine cask behind, and drank till discovered. A law had been made that such conduct should be punished with death, and they were immediately thrown overboard.

Thus we were but twenty-eight —of these only fifteen appeared likely to exist a number of days. The other thirteen were covered with wounds and had lost their reason, yet they consumed our wine and fish. A council was held, and it was agreed to throw them into the sea, which was done, and

secured for the survivors six days of provisions. On the fourth day afterwards, these fifteen were saved by the French brig Argus.

The Medusa was conveying to Senegal the new French governor. The boats of the ship reached the shore; the governor was on board one of them.

They had on the raft no means of giving it progress. It went as the wind and waves carried it.

SHOCKING DEPRAVITY.

Queen-Square, London.—A most distressing and disgraceful spectacle was on Friday exhibited at this office: it arose out of an examination of a petty assault. The complainant was the son-in-law of a woman, who is the owner of a considerable number of little houses in Pye-street and the Broadway, Westminster, which are all occupied by girls that have been debauched and devoted to prostitution. He stated that his wife, who was the daughter of this woman, left his house on Tuesday night last, and did not return home till the next morning: he and she had, in consequence, unpleasant words; and she directly after left the house, and returned with her mother and two sisters, who all set about him and tore his face. He now wished the magistrate to bind them over to keep the peace towards him; for he knew, if they were not bound, that they would come to his house backed by about a hundred bad women, and he should be in danger of losing his life. Mr. Fielding asked him why the bad women would assist her in such proceedings? He replied, that if they were to refuse, she would directly turn them out of their lodgings; that she had at this time, he supposed, at least 130 lodgers, all prostitutes, and he knew that some of them were not more than twelve years of age, and some of them younger. Mr. Fielding ordered the officers to go to the place, and to bring all the girls whom they might find in the different rooms. They went accordingly, and in a short time returned with about fifty: they said they could have brought three hundred. Four of them were children under twelve years of age; and one, only between thirteen and fourteen, was shockingly diseased. Mr. Fielding ordered the officers to take her to St. Martin's work-house; and for the other children they were to provide lodgings till they could be sent to their friends. One child, only fourteen, who had lately left Hampstead work-house, and had been harboured in one of this vile woman's rooms, was so diseased, that Mr. Fielding said he would get her into the Lock Hospital. He then addressed the woman, and informed her that if an indictment should be preferred against her, she might depend upon it her punishment would be pillory and confinement for life; and if ever she and her daughters went to the house of her son-in-law to make any disturbance, he would, upon his complaint, send them all to prison.

THE NEW EMPRESS OF AUSTRIA.

Munich, October 12.—The articles published in several foreign journals respecting the marriage of the princess Charlotte, still contain expressions either incorrect or obscure, respecting what they call the first marriage of that princess. The following are the facts:—The man who tyrannized over Europe conceived it conformable to his policy, some years ago, to marry the prince royal of Wirtemburg to the princess Charlotte.

He had prevailed on the king of Wirtemburg to employ all the authority of a father and a sovereign to overcome the refusal of the prince, who, while he did justice to the excellent qualities of the princess, would not receive a consort from the hands of the oppressor of his country. In the mean time the political interests of the kingdom of Wirtemburg were compromised by this refusal, and wishing to save his father and king from the disagreeable consequences of his farther resistance, the prince royal consented to the apparent consummation of the marriage. But, having informed the princess of the kind of moral and political restraint exercised over him, the prince concluded an arrangement with her, by which both parties established proofs of the nullity of their feigned consent and their formal wish not to live together as husband and wife. The moment that the downfall of usurped power rendered a representation possible, the princess, who is a catholic, addressed to the Pope authentic and unequivocal proofs of the non-existence of the pretended marriage. This step, which was taken in concert with the prince of Wirtemburg, was followed on the part of the pope by the complete and formal annulment, with respect to religion, of the pretended union of the august personages. The pope, who could only give judgment with regard to parties belonging to the catholic communion, restored the princess Charlotte to the unmarried state. With regard to the civil tie, which was equally unsound, it appears that a convention has been concluded between the two royal houses of Bavaria and Wirtemburg, which dissolves the forced contract concluded under the influence of an irresistible power.

Letters from Paris, dated October 29, state the sentence of an old woman to three years imprisonment, and a fine of fifty francs, besides costs, for fabricating accusations of sedition.

Tronsheim, (Norway,) March 10. —A curious occurrence took place here on the 7th instant; a portion of land, amounting to 120 English acres, and sixty feet deep, slid with a tremenduous crash into the river Nid, a quarter of a mile from Store Foss. This happened during a hard frost (130 degrees Reaumur) without giving any previous notice; and from a quantity of the ground being clayed, with a moderate ascent from the river, appears wholly unaccountable. Of Tiller church, dwelling house, and bridge, which stood on this spot, not a vestige is to be seen—the ruins are either buried or dispersed. You may form some idea of the force with which this mass of earth fell, when I tell you, that a considerable portion of it was thrown several hundred yards distance from the river on the opposite bank, where it destroyed two houses with some of the unfortunate inhabitants. The owner of Tiller Farm perished by returning to the house to look after one of the children. It is not yet ascertained how many lives are lost; eighteen are known to have been buried or drowned, and forty horses, besides cows, &c. A very fine lad of seventeen, who was to have worked in our work, lost his life.—One man saved himself in a remarkable manner: he was the foremost of fourteen or fifteen peasants, who were returning

home to Selboe, from bringing timber for the buildings attached to our work, and was so near the spot, that he heard the owner of Tiller cry for help—he immediately resolved to retrace his steps; the other poor wretches endeavoured to reach the Store through a deep snow, and perished with their horses: most of them had two.

The man who saved himself had a very good horse, and by keeping himself full speed, he escaped on shore by Store Foss, the river pursuing him close with the rapidity of lightning! his feelings may be better conceived than described during this remarkable race.—Our work has luckily escaped uninjured although threatened with ruin. V. Krougph has otherwise suffered considerably, yet mostly at Store Foss, where a flour mill has quite disappeared, the sawmills almost destroyed, and dams carried away to the amount of 2000*l.* A summer house, which stood between Great and Little Foss, a short distance from the river, was carried in an upright position, as it stood on shore, with two boats chained to it, and in that manner precipitated down Little Foss. It is impossible for me to describe the singular appearance all this had, and still has. The Fiord is discoloured with muddy water to a great extent, and will probably continue so for months. We are willing to think that the danger is now over, though this is uncertain, till the stream cuts itself a proper passage.

PRESENTS.

By the old custom of Europe, presents are given and exchanged between the secretaries of state and plenipotentiaries on the signature of treaties:—to the latter, they are generally snuff-boxes, with the portraits of the respective sovereigns set in diamonds;—to the former, a regular sum of money. Great Britain proposed on the late occasion of the Congress, &c. that as the number of treaties would be so considerable, a special regulation, respecting the presents, might be adopted. The other powers agreed as to those which the plenipotentiaries would be entitled to receive, but declined applying this principle to the money presents to the secretaries of state, &c.—It appears from a list, that Lord Castlereagh, in the year ending January 1815, has received nine presents; and the same number in the year ending January 1816:—in these two years, the sum of twenty-five thousand pounds had been received as money presents, to be divided between the two secretaries of state, and the clerks employed in the foreign offices.

LOSS OF THE HARPOONER.

London, Jan. 5.—The following affecting narrative of the melancholy disaster, has been sent by one of the survivors:—

"On the 26th October, detachments of the 4th Royal Veteran Battalion and their families, with a few belonging to other corps in Canada, in all 380, embarked on board the ship Harpooner, Joseph Bryant, master, and sailed from Quebec on the afternoon of the 27th, bound to Deptford, in charge of captain Prime. On the passage to the Gulph of St. Lawrence, moderate weather and favourable winds prevailed; but on arriving in the Gulph the weather proved boisterous, and the wind contrary; not a sight of land, nor an observation of the sun, could be depended upon for several days. On Sunday evening, November 10, a few mi-

nutes after 9 o'clock, the second mate, on watch, called out "the ship's aground," at which time she lightly struck on the outermost rock of St. Shotts, in the island of Newfoundland. She beat over, and proceeded a short distance, when she struck again and filled; encircled among rocks, and the wind blowing strong, the night dark, and a very heavy sea, she soon fell over on her larboard beam-ends; and, to heighten the terror and alarm, it was perceived a lighted candle had communicated fire to some spirits, in the master's cabin, which in the confusion, was with difficulty extinguished. The ship still driving over the rocks, her masts were cut away, by which some men were carried overboard. The vessel drifted over near the high rocks towards the main. In this situation every one became terrified; the suddenness of the sea rushing in, carried away the births and stauncheons between decks, when men, women and children were drowned, and many were killed by the force with which they were driven against the baggage, casks, and staves, which floated below. All that possibly could, got upon deck; but, from the crowd and confusion that prevailed, the orders of the officers and master to the soldiers and seamen were unavailing—death staring every one in the face—the ship striking on the rocks as though she would instantly upset! The screeching and pressing of the people to the starboard side was so violent, that several were much hurt. About eleven o'clock, the boats on the deck were washed overboard by a heavy sea; but even from the commencement of the disaster, the hopes of any individual being saved were but very slight, and, from this circumstance, combined with it appearing that the bottom of the ship was separating from the upper deck, while the surf beat over her most violently, it was considered as impossible. From this time until four o'clock the next morning, all on the wreck were anxiously praying for the light of day to break upon them; the boat from the stern was lowered down, when the first mate and four seamen, at the risk of their lives pushed off to the shore; they with difficulty effected a landing upon the main land, behind a high rock, nearest to where the stern of the vessel had been driven. They were soon out of sight, and it was feared they were lost, but it was so ordained by Providence, these deserving men, in scrambling up the rocks, made their appearance! They hailed us from the top, and reported their situation, saying, to return was impossible, as the boat was staved: the log line was thrown from the wreck, with a hope that they might lay hold of it, but darkness, and the tremendous surf that beat, rendered it impracticable. During this awful time of suspense, it occurred to the master, the possibility of sending a line to them by a dog; the animal was brought aft, and thrown into the sea with a line tied round his middle, and with it he swam towards the rock upon which the mate and seamen were standing.

"It is impossible to describe the sensations which were excited at seeing this faithful dog struggling with the waves, and reaching the summit of the rock, dashed back again by the surf into the sea, until at length by his exertions, he arrived with the line; one end of which being on board, a stronger rope was hauled and fastened to the rock, and by this rope the seamen were enabled to drag on

shore from the wreck a number of souls. At about six o'clock, in the morning of the 11th, the first person was landed by this means, and afterwards, by an improvement in rigging the rope and placing each individual in slings, they were with greater facility extricated from the wreck; but during the passage thither, it was with the utmost difficulty that the unfortunate sufferers could maintain their hold, as the sea beat over them; some were dragged to the shore in a state of insensibility: Lieutenant Wilson was lost, being unable to hold on the rope with his hands; he was twice struck by the sea, fell backwards out of the slings, and after swimming for a considerable time amongst the floating wreck, by which he was struck on the head, he perished. Many who threw themselves overboard, trusting to their safety by swimming, were lost: they were dashed to pieces by the surf on the rocks, or by the floating of the wreck.

"About half past one o'clock, on the afternoon of the 11th, about 30 persons were saved by the rope, several of whom were hurt and maimed. At this period the sea beat incessantly over the wreck, and it being evident the deck was separating, the only means of saving the distressed sufferers failed; for the rope, by constant working, and by swinging across the sharp rock, was cut in two. From that hour, there being no means of replacing the rope, the spectacle became more than ever terrific; the sea beating over the wreck with greater violence, washed numbers overboard; their heart-rending cries and lamentations were such as cannot be expressed —families, fathers, mothers, and children clinging together! The wreck breaking up, the stern from midships and forecastle, precipitated all on it into one common destruction. Under these melancholy circumstances *two hundred and six souls perished*, and the survivors have to lament the loss of dear relatives and friends.

"The officers and men of the Royal Veteran Battalion, who were returning home after a long and arduous service in Canada, and other remote climates, have now lost their all—the savings of many years, what they had looked upon with a pleasing hope of making themselves and their families comfortable with, on retiring from the service of their king and country. By this unfortunate event the orphan daughter of Surgeon Armstrong lost her father, mother, brother and two sisters; and the wife and surviving daughter of Lieut. Wilson, are left wholly destitute. The disaster was so sudden and unlooked for, that not an article of baggage was saved; not even money, of which some had considerable sums, the produce of their effects sold in Quebec, which were paid for in guineas, on account of bills of exchange being attended with a loss of seven and a half per cent.: for immediately after the ship struck she bilged and filled, drowning some, who, from motives of humanity, attempted to secure articles of dress for the distressed females, who were hurried on deck in an undressed state.

"The rock which the survivors were hauled upon, was about 100 feet above the water, surrounded at the flowing of the tide, it being high water soon after the latter of them was saved, it was found impossible for these distressed objects to be got over to the main land until the next morning: on the top of this rock they were obli-

ged to remain during the whole night without shelter, food, or nourishment, exposed to wind and rain, and many without shoes; the only comfort that presented itself was a fire, which was made from pieces of the wreck that had been washed ashore.

"At day light on the morning of the 12th, at low water, their removal to the opposite land was effected, some being let down by a rope, others slipping down a ladder to the bottom. After they crossed over, they directed their course to a fisherman's shed, distant about a mile and a half from the wreck, where they remained until the next day; the proprietor of this miserable shed not having the means of supplying relief to so considerable a number as took refuge, a party went over land to Trepassy, about 14 miles distant, through a marshy country, not inhabited by any human creature, and the foot path through a morass. This party arrived at Trepassy, and reported the event to Messrs. Jackson, Burke, Sims, and the Rev. Mr. Brown, who immediately took measures for alleviating the distressed, by dispatching men of their employ with provisions and spirits, to assist in bringing all those forward to Trepassy who could walk. Necessity prompted many to undertake this journey barefooted: the hardships and privations which they were enduring were so excessively great. On the 12th, in the evening, the major part of the survivors (assisted by the inhabitants, who during the journey carried the weak and feeble upon their backs) arrived at Trepassy, where they were billeted by order of the magistrate, proportionably upon each house.

"There still remained at St. Shotts, the wife of a serjeant of the Veteran Battalion, who was *delivered on the top of the rock, shortly after she was saved;* the child and herself are doing well. A private whose leg was broken, and a woman severely bruised by the wreck, were also necessarily left there.

"Immediately after the arrival at Trepassy, measures were adopted for the comfort and refreshment of the detachments; boats were provided for their removal to St. John's. This being effected, his excellency admiral Pickmore, the governor, major King, commanding the troops, the merchants, and gentlemen of St. John's, most promptly and generously came forward in the most handsome manner to the relief of the surviving sufferers. After remaining ten days at St. John's refitting the distressed with clothing and necessaries, his excellency the admiral chartered the Mercury, of Poole, to bring them to Portsmouth. On this melancholy circumstance it is but justice to mention, that Mr. Joseph Bryant, master, Mr. Atkinson, mate, and the seamen of the Harpooner, deserve great credit for their unceasing exertions: to their labour those that came on shore by the rope in a great measure owe their safety."—*London Times.*

STEAM ENGINES OF EXTRAORDINARY POWER.

A letter from Sir C. Blagdon, announces that they are at this moment constructing in Cornwall, steam-engines, destined to work under a pressure of seven atmospheres. The trials already made, seem to indicate that they will be productive of immense advantages. In order to determine under what circumstances steam-engines

ought to produce the maximum of effect, keeping in view the quantity of coal used, it is necessary to know the relation which may exist at different temperatures between the elastic force of the steam and the quantity of caloric necessary for its production. Already had some French manufacturers ascertained that the increase of the elastic force is superior to that of the caloric employed; for they found an advantage in working their machines under pressures superior to that of the atmosphere; but the form of their boilers did not admit of their much exceeding this term. In England they have gone much further, by means of an invention of Mr. Woolf's, and which is combined in such a way as to employ the steam at very high pressures.—It seems also, that the steam-engines of this able engineer contain another useful modification, and which consists in the heated steam never being in immediate contact with the piston of the large cylinder, as it is in the common machines; in the latter case, as is well known, the piston soon loses its accurate adjustment, because the steam dissolves the greasy substances which lubricate it. In Mr. Woolf's apparatus the steam enters into a first cylinder, and there it presses on the surface of a column of oil, which it forces into an interior cylinder, in which is the piston; it thus raises the piston without touching it, and lets it fall as soon as it is condensed. It is clear that this mechanism may be also applied on both sides of the piston, so as to produce *a double effect*.

Lady Hester Stanhope, who belongs to one of the first families in England, merits a place among the most celebrated and intrepid travellers of the present age. This lady, the niece, the friend, and intimate companion of the great Pitt, was not less attached to him by conformity of mind than by ties of blood. She enjoys a pension from her country. Pitt, who, as is known, died without fortune, left to his nieces, poor like himself, a few lines, in which he recommended them to the generosity of the people of England. After the death of her uncle, lady Hester formed the project of travelling in the Levant. She first repaired to Malta, and from thence proceeded to Constantinople. Wishing afterwards to make a pilgrimage to Palestine, she sailed for the Holy Land, but had the misfortune to be shipwrecked off the Isle of Rhodes. Cast on a barren rock, she seemed to be destined to perish of hunger; but an English ship which appeared on the following day, took her on board and conveyed her to Syria. There she travelled in all directions, accompanied by Mr. Bruce, who has just been tried for the part he took in the escape of Lavellette. She spent several years wandering among the ruins of Palmyra and Hieropolis, and exploring the vallies of Mount Lebanon. Living for whole months on rice and water and accustomed to the frugality of oriental habits, from being feeble and debilitated, she became a strong and vigorous Amazon. According to letters which she has addressed to her family in England, she is now at the head of three tribes of Bedouin Arabs, who regard her as a being of superior order. She has had several children whom she was fond of brought to her from England, and she declares, that she will ne-

ver forsake that land of the sun, to breathe the humid and cloudy atmosphere of Great Britain.

Mons, April 5.—A tragical scene has just thrown our town into terror and consternation. The day before yesterday, about eight o'clock in the evening, Mrs. Papillon, the mother of a family enjoying a decent competence, committed an act of despair or madness, to which the annals of the human mind scarcely furnish a parallel. Being followed by her three children, a boy of two years of age, and two girls, one eight and the other five years old, she dragged them to the well; then seizing the two youngest, she threw them in; the eldest girl struggled a long time in her mother's arms, uttering agonizing but fruitless cries: the barbarous mother, violently seizing her, threw her into the well; into which she at last threw herself also. These four unhappy victims have been taken out dead, and all the assistance of art was lavished on them in vain. Yesterday evening, at nine o'clock, they were buried. It seems that this woman, whose mind was doubtless deranged, had meditated this great crime during the whole of the third. On that day she performed her devotional exercises, and distributed abundant alms. Madame Papillon had formed the project to destroy all her family; besides the three children who were the victims of it, she had two others; her eldest son was at a boarding school at St. Ghislain, and the youngest at nurse in the country. This mother, whom one does not know by what name to call, had sent an order to the nurse to bring her the infant on the day destined for the accomplishment of the tragedy, which the woman refused to do. At the same time she charged the St. Ghislain carrier to carry to her son a flan, (a kind of cake), which was poisoned, with a letter, desiring him to eat it alone, without giving any part to his schoolfellows. On the road this flan was spoiled, and the carrier, fearing he should damage the other goods which he had with him threw it away. If we add, that this wretched woman was five months advanced in her pregnancy, we shall have an idea of the destruction which she had calmly meditated. While the dreadful scene was passing, her husband was at the coffee house: she had had the cruel precaution to leave a note on the table, pointing out the well as the grave of herself and children.

In the late report of a select committee of the British parliament, to inquire into the state of mendicity in London, a great variety of curious facts relating to the beggars were unfolded. The great inducement to engage in mendicity, is the considerable profits arising from the occupation. Clear proofs were presented that one blind man with a dog, collected 30s. sterling in a day.—Another got 5s. a day, and could go with ease, through sixty streets in a day. Two houses in the parish of St. Giles, are frequented by from 200 to 300 beggars; receipts from 3 to 5s. a day. A negro beggar retired to the West Indies with a fortune of 1500l. One man will collect three, four or five children, from different parents, paying 6d. or 9d. a piece, to go a begging with, and the children very seldom belong to the beggars they are with. There are probably more than 15,000 beggars in London.—In the neighbourhood of White-Chapel, there are 30 or 40 houses,

apparently crowded, containing not less than 2000 people—one half of whom live by prostitution and begging. They live well after having gone their circuits, and get scandalously drunk—and with few exceptions are utterly worthless and incorrigible.

We have seen a curious account in one of the London papers, of a fellow who was hanged at Calcutta, for a crime, which, we believe, was never before committed. He had been in the habit of going to a part of the sea-shore, near which ladies were accustomed to bathe, and being an excellent diver and swimmer, would plunge under, unseen by them, swim to the place where they were bathing, and seizing them by the legs, drag them under water and drown them. He would then rob them of their jewels and ornaments, it being their custom to bathe with them on, and swim back with his booty to the place from whence he started. Having one day seized upon a girl who was fortunate enough to disengage herself, the alarm was given and the strange fish caught.

EUROPEAN CIVILIZATION.

IRELAND.

Limerick Assizes, Friday, Aug. 9.

This day Thomas Bourke was put to the bar, charged with the murder of Thomas and Margaret Dillon, at Moyle, in the county of Limerick. A considerable part of the day was occupied in trying challenges put in by counsel for the prisoner, to several persons called to be sworn on the jury.

Mr. Quinn then stated the case for the crown.—In the month of September, 1815, Thomas Dillon resided at Castletown, in the county of Limerick. He had a short time before given a pig to his landlord, in payment of rent, and it was received from him. This circumstance roused the indignation of those persons who are resolved to be governed by, and make others adopt laws of their own making; they issued their receipt, one of those Whiteboy notices with which you must be acquainted, that unless the transaction was rescinded, punishment from them would follow.—Gentlemen, the laws of the land pronounce punishment on those who violate them; but those new legislators declare, that those who venture to observe them shall be punished. Punishment accordingly was pronounced and inflicted. For the offence I have stated to you the unfortunate Dillon committed, his house was in the summer of 1815 assaulted and broken open, and himself dragged out and most unmercifully flogged. He had the temerity to give information of this outrage, and persons now unnecessary to mention, were in consequence brought to trial. From the leniency of the prosecutor they were only convicted of a riot, though capitally indicted. Dillon, aware of the exasperation he had excited against himself, naturally entertained fears for his future safety, but the crown solicitor gave him and his wife, who had also given evidence on the trial, protection, as long as they were apprehensive they required it. In some time, however, they returned home: but on the night of the 15th September, their house was again assaulted by an inhuman banditti. The prisoner at the bar, according to my instructions, was a prominent performer in that transaction. Here Mr. Q. stated the facts afterwards proved in evidence.

Bridget Dillon was the first wit-

ness examined. She was but 14 years of age. It would be altogether impossible to describe the feelings which were excited by her testimony and appearance. It was known that she had been a concealed spectator of the murder of her father and mother, and the firm, consistent, artless, and natural manner in which she told the horrid tale, during which she looked with horror on the prisoner, made an impression on the court and auditory, that would have rendered it dangerous to convict the prisoner under its influence, if his guilt were not otherwise unequivocally substantiated. An interesting investigation of the strength of her understanding, by the court and counsel for the prisoner, preceded her examination, and her answers to the numerous questions put to her, on the nature of an oath and the consequence of taking a false one, as well as her conception of a future state, were such, in every respect, as to render her an admissible evidence. Being sworn, she deposed, that she was fourteen years old; her father's name was Tom Dillon, her mother's Peg Wall; they lived in Castletown Waller. She knew and had always known Tam Bourke, who lived at Pallas Kenry, within about a mile of her father's house. (Here she was asked if she saw any body in court she knew? She turned round and identified Bourke.) She remembered, she said, the night the people came to her father's house; the family were in bed, her father asleep, and herself and her mother awake; they heard a rapping, and her mother awoke her father; he got up, took a bayonet that was near the bed, and went towards the kitchen, when he found the door dragged out on the road with a sledge; he then ran back to the bed-room, shut the door, and put his back against it, when they fired through it from the outside, and he fell back dead on the bed where her little sister lay. There was a partition in the room, and when the rapping first came to the door, her mother shooks hands with her, put her up on the partition, desiring her to mind her brother and her sister, and to watch these people, as they had come to murder her father and herself. When her father was killed, the people broke into the bed-room, in a corner of which her mother was, with an infant in her arms, the witness's little sister in bed, and herself concealed on the partition. They called to her mother to go out; and she did so, saying "Lord have mercy on my soul!" to which they replied, "My good lady, you had no mercy when you were giving evidence on the bench." When her mother went out, the witness came down from the partition and followed her; the people took her out on the road, and the witness went to the kitchen window. They were calling out "Stick her and shoot her," and she saw the prisoner put a gun up to her mouth, and fire into it. They had at this time taken the child from her, and were holding her up at each side when the shot was fired. They then put her on the ground, and stabbed her in both her breasts, after which they put her near a wall. The witness was here asked how she knew any one, as it was night?—"Any one would know them," said she, "it was moonlight, and some sods of turf which I put down before my mother and myself went to bed were blazing on the hearth." When they put her near the wall, two men came into the house, when she ran into the room where the

pig was; the men took out her father, and soon after two men came in, and asked her little sister for the bayonet. It was in a potatoe barrel near the bed, and she gave it to a man who wore white trowers. They said they would not hurt her, and went away shouting. —Witness came from her hiding place, and again went to the window, and while there the men returned, and one said, "the devil would not kill the dog," and one of them took up a big stone, and broke his face with it. They then went away.—'Twas on a Friday night, and on the following Sunday her father and mother were buried; she staid in the house in the mean time, and "I gave the pot to my aunt," said this interesting poor creature, "for it was she who sewed my father's mouth." All the people in the neighbourhood refused to let her in, desiring her "to go to the devil," in consequence of which she went away with her aunt, with whom she slept on Sunday night, and was next day taken home by the Rev. Mr. Westropp, where she remained several weeks, and was from thence removed to the poor-house, and finally to the gaol, from whence she was now brought to give evidence. Two days after her father and mother were buried she saw one of the men that were at the murder working in a garden, on which she went and told her aunt, who desired her not to say a word of it to any body, or she would be killed too.—She recollected, she said, the day she was brought to gaol, when Bourke the prisoner, and several others, were brought before her; she knew them all, except two, as they were neighbours; she recognised one of them as being one of the two that went in for her father's body, the other was not present then, but she knew him, and he was sent for and taken.

This child underwent a long examination by counsellor O'Connel. He first questioned her as to the consequences of her telling a lie, which she said would be that she would go to hell, and that if she told the truth she would go to Heaven. Having got this acknowledgment, he drew from her, with much ingenuity, that she had told what was not true to Alderman Watson and Mr. Westropp, in saying that she did not know any of the men that were at the murder. The denial she attributed to the fear she was in, and said—"If you were afraid of being murdered, you would tell a lie too."

Thomas Wall was next examined. This witness, a labouring countryman, deposed, that he lives within a quarter of a mile of the deceased's house; he recollected he said, the night before the morning Dillon and his wife were found dead. Upon that evening a man (the witness was cautioned not to name him) came to his house about dusk, as he is in the habit of doing, and remained some time.—Shortly after he went away, a dog of witness's began to bark, which induced him to go out, when he saw a man with a gun passing by, and taking the direction to an old fort near Dillon's house. Witness crept along by a ditch, and concealed himself near a gap through which the man must pass, which he did shortly after, whom he recognised to be Bourke, the prisoner at the bar. Witness then returned to his own house, and in some time the man who had been with him in the evening called again, to whom he mentioned what and whom he had seen. The man went away, and

witness got up to shut the door after him, and he saw he was not going in the direction of his own house, but towards the place that Bourke had gone to, which induced witness to follow him, and on coming to the top of the hill he heard voices, and lying down in a ditch he saw five persons. One of them took the gun from Bourke, who was of the party, and handled it, but returned it to him. Bourke then asked if the rest were come to the ground appointed? to which another answered—"they must be by this time." Another of the party then said—"Castletown was never so lonely as to night."—"How could it be otherwise when the yeomen are all out of it," observed a second. —"Castletown will never be lonely enough, (said a third,) till Fitzgerald and Langford are got rid of." The five men then went toward's Dillon's, and the witness to his home. The next morning he saw Dillon and his wife lying on the road, the pigs and dogs drinking their blood; the face of the former was broken in, and near him was a large stone; the head of the latter was all battered, and she had a wound under her arm.

John King was the next and last witness for the persecution, and his evidence was conclusive as to the guilt of the prisoner, corroborating in every particular the testimony given by the child.

An *alibi* was attempted to be proved by the prisoner.

Serjeant Johnson charged the Jury in an able manner, giving the prisoner the benefit of every possible construction in his favour.

The Jury retired but for a few minutes, and returned a verdict of —*Guilty*.

The Serjeant passed the sentence of the law upon him, in an awful and impressive manner.

Saturday, August 10.—On this day Michael Hehir and John Evans, concerned in the above abominable murder, were tried and convicted on the same clear and unequivocal evidence. The testimony of the child was undeviating and consistent, though she underwent a scrutinizing cross-examination. The same defence was resorted to as in the former case, and as miserably sustained, notwithstanding which, when the sentence of the court was pronounced, the prisoners with dreadful imprecations asserted their innocence, and called for the curses of Heaven if they were guilty.

The murder was one of the most atrocious horrors that we recollect to have ever had under review. The convicts were executed on Monday—Bourke, at Kildimo; Hehir, at Pallas-Kenry; and Evans at Castletown-Waller.

ENGLAND.

Court of King's Bench, Wednesday, June 5.

MARY GIBBERSON *v.* E. L. CHARLTON, ESQ.—[It is seldom that we enter into particular discussion of the facts or principles of our law reports; but we cannot avoid noticing a case of *seduction*, which appears marked with some features of peculiar baseness. A man of fortune, late the high sheriff of a county, engages with a captain in the guards in seducing two poor girls, mere children, of fifteen and seventeen years old, the daughters of a widow. The man of fortune, after succeeding in his nefarious attempt, abandons the poor girl whom he had seduced; but he does not leave her without good advice—he counsels her *to go and live with some other person, whom she can*

love nearly as well as she can him!! Let the systematic seducer read, in this cold-hearted and low-minded suggestion, the condemnation of his degrading pursuits. Let the female, whose vanity is flattered by seeing such a suitor at her feet, view in perspective the cutting sensations she must experience from this unvarnished avowal of his selfishness.]—*Times.*

The attorney-general, in opening the plaintiff's case, stated, that the defendant was not unknown in Westminster-hall, his name having formerly appeared to a transaction not very dissimilar to the present: he had an ample fortune, residing principally upon his estate at Ludford, near Ludlow, and having filled the important office of high sheriff for the county of Worcester a short time ago. The charge against him was of a most flagrant nature, and the case disclosed a scene of profligacy and immorality scarcely equalled in the history of the courts where such injuries were redressed. The plaintiff lost her husband only a few months before the still more afflicting calamity which had given rise to this action. She resided in a house at Brompton, where she and her husband had carried on trade for upwards of twenty years, and was assisted in the business and the household duties by a son, a lad, and three daughters, Mary, Hannah, and Charlotte, the first about twenty, the second about sixteen, and the last not more than fifteen years old. The jury would scarcely believe that the two last had become the victims of the seductive arts of the defendant and his friend captain Seymour, of the guards. These two daughters of the plaintiff, Hannah and Charlotte, had been walking in Hyde-park, when they were accosted by the defendant and captain Seymour, who in vain endeavoured to learn where they lived; the gentlemen consequently followed them home, watched every opportunity of speaking to the young females in the absence of their mother, their eldest sister, or other advisers, writing the most passionate and pressing letters, professing an eternity of attachment. Having at length succeeded in overcoming the scruples of Miss Hannah Gibberson, (for it was to her that the defendant paid his assiduous addresses, while captain Seymour devoted himself to Charlotte,) he prevailed upon her to quit her home, that she might proceed with him to Bath: and her sister consented to the same imprudent step with her admirer. In pursuance of the plot of these gentlemen, however, they did not find it convenient to leave London on the day of the elopement, but promised until the next day to lodge the young ladies at the house of a friend. The jury would not be astonished to hear, that that house was the bagnio, called the Key, in Chandos-street, where the guilty design of the defendant was perpetrated. Within a day or two afterwards, Mr. Charlton excused himself on the ground of pressing business, which called him immediately into Worcestershire; and he and captain Seymour, putting these two injured and unprotected females into a lodging in Seymour-place, there abandoned them, making them answerable to the woman of the house, where they were literally confined for some months, being unable to pay for the accommodation afforded. The learned counsel then read some of the correspondence of the defendant. The first was a letter

dated a few days before the defendant accomplished his purpose. It was in these terms:—

"*Friday morning*, 4 *o'clock.*

"My dear Hannah,—How disappointed I was at your not coming to the play,—such a note, too, beginning "Sir;" so cold, if you had been writing to your tradesman for a pair of shoes, it could not have been less affectionate. I was sadly grieved not to see you yesterday or to-day, when Charlotte came, was this kind? Indeed, indeed, you are too cruel. I would have gone a thousand miles to meet you, but you could not stir as many inches to gratify me. If you do not come to-morrow, I shall be half distracted, *and I shall not mind what I do:* I shall come to Queen-street, be the consequence what it will. Pray, pray, come to-morrow, and meet me at four or half past four, where we met on Tuesday: I stay in town but to see you. You may suppose this sudden attachment of mine is scarcely to be depended upon, having seen you for so short a time: but I know not how it is, but I am as much in love as if I had known you ten times as long. If you are fond of poetry, read the following lines, which will perhaps account for it:—

"The passion which, by slow degrees,
Is nurst into a flame,
Is habit, friendship, what you please,
But *love* is not its name.

For love to be completely true,
In death at sight should deal,
Should be the first one ever knew;
In short, the one I feel.

To write, to see, and to converse,
By turns to play the fool,
Is to send passion out to nurse,
And put one's heart to school."

This billet was signed by the defendant's initials, and was written on the first of January. On the 9th of that month the seduction was effected; and the defendant having left town, his tone soon changed, as the next letter would witness: it was directed to Mrs. Hamilton, Seymour-place, the name which he advised Miss Gibberson to assume. It was dated from his estate at Ludford, 20th January:—

"My dearest Hannah,—I am grieved to say that the most provoking business will detain me in the country some time longer, nevertheless I hope to be in town in a fortnight or three weeks. My dearest love, you do not know how sorry I am to have ever taken you away from home. Mary (her eldest sister,) I trust, you have seen, and that she has persuaded you to return: if she has not been able to do that, let me add my humble endeavours. You know not the miseries that await you! but if you are determined to stay away, I will do every thing in my power to lighten them: but think, my dear love, if I was to go abroad, where would you find a friend? do any thing rather than follow the hated life of a woman of the town. Let me hear from you in a day or two, and direct to me at the Hop-pole at Worcester. At present I have not time to say half I could wish; only that you may be as happy as I wish you is the sincere wish of your true friend,

E. L. C.

"Give my love to Charlotte; she is wild, and may despise my doctrine, but she may live to repent it."

Again, nine days afterwards, the defendant wrote as follows: the letter was addressed as the former to Mrs. Hamilton.

"My love to Charlotte.

"My dearest Hannah,—Again

I am prevented coming to London, and I will now fairly state to you the reason. I came down in hopes of getting my rents paid, which my steward wrote to say were very deficient. I am sorry to say I have been very unsuccessful, and cannot get any money, and I shall not be able to come till I do; therefore you will not take unkindly what I am going to say: the truth is, you must triflingly blame yourself for not coming down here when you were asked. Glad I am of it now, as I could not have supported you; *but the only way I can recommend to you, is to go and live with some gentleman whom you love nearly as well as me.* Pretty and beautiful as you are, no doubt you have had plenty of offers. I cannot afford to keep you at present; I love you, however, as much as ever, and the instant I can come to town, which I hope will be soon, I will call and see you, and will keep you. Still, however, I hope you will go home. Do not direct here for a day or two, as I am going into Yorkshire.

"Your affectionate

E. C."

A fourth letter, in reply to one written by the plaintiff's daughter, was in these terms:—

"My dearest Hannah,—Indeed, indeed, your letter is very unkind, and more severe than I deserve. In reply I have to state, that I knew my presence was necessary at Ludlow before I saw you, but I had no idea that my affairs would turn out so. I do not blame you for not coming with me, for I believe it was to oblige your sister, to whom your company would be very satisfactory. I know of but two ways for you to pursue: either returning home, or living with some other person till I can afford to keep you. It seems perhaps not much like affection in me in proposing such an alternative as the latter, but what is to be done? I have not the means to support you, and you will not return home. It was for your good, for your very existence, I recommended that you should bestow your affections upon another. I can only say, when I can afford to come to London and protect you, I would prefer you to all the world; but I sadly fear that will be some time first. You know not how miserable your letter has made me, &c. Write a letter to me, my dearest love, in a different and more consoling style; and with best wishes to all, believe me always your's,

E. L. C."

Miss Hannah Gibberson stated, that she was walking with her sister Charlotte in Hyde-park, when the defendant and capt. Seymour came up and asked where they lived: the witness refused to tell, and the defendant and his friend followed them home. To prevent his coming next day, the witness and her sister promised to meet them in Bond-street, but the weather being wet, the defendant came to the house of the plaintiff; the servant, who opened the door, told the plaintiff they were out. The defendant and captain Seymour met herself and sister repeatedly after this, and always urged them to leave their homes, promising every protection, and vowing the most ardent and lasting affection. On one day the witness promised to meet the defendant in Burlington Gardens, but, being wet, she could not go. The defendant, in consequence, wrote another letter requesting the witness to leave her home with Charlotte the following day: they did so between three

and four o'clock on Tuesday afternoon, and met the defendant and Seymour in Burlington Gardens. After some persuasion, they both consented to go to Bath with the defendant and Seymour, but for that night it was agreed they were to sleep at the house of a friend. They accordingly walked to a house of ill fame in Chandos-street, and the witness there wrote a note to her sister to inform her that they were many miles distant with two gentlemen. After this, the defendant and captain Seymour, who was in the guards, excused themselves from leaving town for Bath, as the latter could not obtain leave from the duke of York to be absent for an hour from duty. It was finally arranged that the witness and her sister should live together in Seymour-place with the captain, while Charlton went out of town, promising to return in a week or ten days. They remained in the lodgings three or four months, but Mr. Seymour continued his visits to Charlotte only for three weeks. At the end of this time, the witness and her sister returned to their mother, who was obliged to pay seventeen pounds to the woman of the house where they had lodged.

A few witnesses were examined as to the hand-writing of the defendant, and the respectability of the plaintiff.

Mr. Topping addressed the jury on behalf of the defendant, pressing all the topics in his favour allowed by the case, and particularly the facility with which he had gained the favour of the lady.

After a short charge from Lord Ellenborough, the jury found a verdict for the plaintiff—Damages 500*l*.

From the London Champion.

SHOCKING DEPRAVITY.

[We print the following horrible case under a distinct head. It would be a waste of words to comment on it; the foulest epithets would be polluted if applied to such abominations.]

(Reported in an Irish paper.)

Court of Common Pleas, Dublin, Dec. 14 and 16.

Hinds v. Middleton.

This was an action of trespass *vis et armis*, for criminal conversation with, and for assaulting and debauching plaintiff's wife. Damages were laid at 6,000*l*.

Plaintiff's Case.—The plaintiff was an attorney, residing in Blessington, in this city. The defendant a physician, and principal medical superintendant of a lunatic asylum at Hanover park, in the county of Carlow. On the part of the plaintiff, it appeared that he and his wife were married in the year 1810. They had three children, and up to the period of Mrs. Hinds' insanity, the plaintiff conducted himself to her as a kind and affectionate husband. It was thought expedient by the friends of Mr. Hinds to send her to Carlow, to the Hanover asylum, which appeared to be conducted by a sort of medical company, consisting of three physicians, viz. Drs. Middleton, Delahoyde, and Clay. In the month of January, 1816, Mrs. Hinds complained to Dr. Delahoyde of having been abused by Dr. Middleton—she said she was then pregnant—that the defendant had taken advantage of her unfortunate situation, and got her with child. At this time Dr. Delahoyde conceived her mind was wandering from truth, and he did not believe her. In some short time after, she renewed her

charges against the defendant, and Dr. Delahoyde thought it necessary to bring Dr. Middleton and Mrs. Hinds together. He accordingly found an opportunity of doing so, and at that meeting, Mrs. Hinds upbraided the doctor with the crime of having had an illicit connexion with her. She then told the defendant, in the presence of Dr. Delahoyde, " that he was the father of the child she was bearing, and implored him to remove her to a place of secrecy and safety, where she might not be exposed." When the parties were thus confronted, the defendant did not deny the charge, but ordered Mrs. Hinds to be removed from his presence. She retired weeping, complaining of and lamenting her misfortune. Dr. Delahoyde urged the necessity of her immediate removal, to save the institution from disgrace, and advised that a female attendant should accompany her to the place of her retreat. It also appeared that Mrs. Hinds had charged Dr. Middleton of the ill treatment she alleged to have received from him, and complained of it to a Mrs. Conolly, one of the housekeepers. Shortly after the meeting abovementioned, Dr. Middleton, accompanied by Mrs. Hinds, left the asylum in a carriage, under the pretence, as the doctor reported, of going to Dublin, to leave the lady with her friends; but, instead of doing so, the doctor conveyed Mrs. Hinds to the house of a Dr. Rodgers, who resided in the county of Wicklow, and imposed on that respectable physician, by telling him that the unfortunate lady was a Mrs. Hamilton, and the wife of a gentleman of a most violent and outrageous temper, and that it was therefore thought expedient by her friends to place her in a safe retirement during her pregnancy. Under these deceptive circumstances, Dr. Rodgers introduced her to his family, with whom she continued to reside. It appeared that Dr. Middleton, while in the county of Wicklow, had written to the institution to Dr. Delahoyde, as if from Dublin, saying very little respecting Mrs. Hinds, but a good deal respecting the creditors of Dr. Delahoyde, with whom Dr. Middleton said he had been in treaty for the composition and arrangement of his (Dr. Delahoyde's) affairs. The letter had on it the Dublin post-office mark.

The first witness called to prove the adultery was Delahoyde, the defendant's partner. He spoke to the examination abovementioned of the lady, her confessing her pregnancy to him, and also accusing Dr. Middleton with being the cause of it to his face.

On his cross-examination, he admitted that he was a married man, and had left his wife and two children in England: but that he had intrigued with one of the servants of the institution, who had a child by him: he admitted that he had treated Mrs. Hinds with punch once or twice, to make her speak out against Dr. Middleton —that he had once kept an improper female for twelve days at the institution, and gave her 12*s*. when she went away; he also owned to sleeping with Mary Ryland, the cook of the institution, who used to come to his bed. Being asked if he had ever *two* females at once in bed with him, he declined answering, until he had the opinion of the Judge, but the latter declined interfering. Knew Mrs. Conolly, the matron of the institution, very well; she was a *nice woman*, but she escaped him *unhurt and untouched*. Has heard

of her intimacy with a lunatic patient called Alonzo. He was a prisoner for debt in Dublin, when he first communicated what he knew to Mr. Hinds.

The next witness was Mrs. Conolly; she admitted that improper females were frequently caught in Delahoyde's apartments: knew Mrs. Hinds to be pregnant, but could not tell by whom. This witness confessed to several love letters which had passed between her and the patients of the institution, and which were produced.

The next witness was the person with whom Dr. Middleton placed Mrs. Hinds during her accouchement. He believed her to be Mrs. Hamilton, until her husband, Mr. Hinds, came to inquire for her. The servant of this person deposed to seeing Dr. Middleton kiss Mrs. Hinds, when he visited her during her accouchement, which was attended with great danger.

These were, in substance, the facts of the plaintiff's case. Some of the scenes of iniquitous depravity which were elicited from the cross-examination of Dr. Delahoyde, in which he was the principal actor, and which were said to have been performed at the Hanover institution, we are, from motives of moral feeling, obliged to suppress. By the cross-examination, it was sought to implicate not only Dr. Delahoyde, but all the doctors as "*participes criminis*" in the assault on the person of the unfortunate Mrs. Hinds.

SECOND DAY.

Evidence on the part of the Defendant.

Dr. Murphy was the first witness examined. He, for the purpose of affecting Dr. Delahoyde's credit with the jury, gave a disgusting account of the doctor's intrigues at the Hanover asylum. At this medical pandemonium, the doctor kept, (if the witness were to be believed,) a seraglio, consisting of wretches of the lowest order. Witness said, he, on one occasion, saw Mrs. Hinds lying on the bed in Dr. Delahoyde's bedchamber, and the doctor's arms around her neck.

John Moore was the next witness. He proved, if believed, a criminal connexion to have subsisted between Dr. Delahoyde and Mrs. Hinds. [We shall not shock our readers with the infamous detail.]

On his cross-examination it appeared, although he had been sworn before persons appointed to investigate the matter, he never divulged the fact of the garden scene till Saturday last.

John Malone was the next witness. He was formerly a banker in this city, and went to the Hanover asylum to restore his debilitated mind to health. [The account he gave of the institution and its *professors*, with the exception of the defendant, of whom he spoke in terms of praise, corroborated the testimony of the former witnesses; but some parts were too grossly indelicate for publication.] He, so far as his belief was evidence, established an illicit connexion between another doctor of the institution, a Dr. Montpryval, and Mrs. Hinds.

Talbot Glasoock, gentleman, attorney, was the next and last witness. He proved several facts in order to impeach the credit of Dr. Delahoyde. He, too, had visited the Hanover asylum at Carlow, and he was introduced to its learned professors by Mr. Malone. Two of the doctors asked him to

dine at a tavern in Carlow: they entertained him with claret, &c. but left him to pay the bill. Those respectable gentlemen did him the honour of accompanying him from Carlow to Kilkenny, where they entertained him with dinner, claret, &c. in a similar manner, but promised to pay the sum he had advanced to the waiter, on account of the landlord, on their return to the institution. Dr. Delahoyde appeared a convivial pleasant fellow, and complained of injuring his finances by keeping good company. The doctor said he was the particular friend of the duke of Kent; he and the duke however, had quarrelled, but they were now reconciled, the *duke having made him the most abject apology.* He said he knew all the royal dukes, they were the greatest set of * * * * in the world—he had to lament his misfortune in their acquaintance—it entirely effected his ruin. The doctors, on their return to Carlow, contrived, instead of paying the witness the sum advanced in the tavern bills, to borrow some money from him which they never paid.

On their return to Hanover, the doctors invited witness to walk in the garden of the institution; he saw Mrs. Hinds there. One of the doctors on this occasion remarked, that there was fun in a mad-house as well as in the city. They asked him what he thought of Mrs. Hinds, and had he marked her blue eyes, and whether he would wish to be introduced? Would he like to kiss her? Witness replied, he had known enough of insane ladies, and did not wish to be bit by one.

At eight o'clock in the evening the jury retired, and after they had remained together about two hours, without any apparent likelihood of agreeing, the parties consented to withdraw a juror at ten o'clock, and thus the case remains undecided.

SPECIMENS OF LONDON ADVERTISEMENTS.

Sumptuous and splendid Furniture, costly and magnificent Plate, Glasses, &c.—By Mr. Fenner, on the Premises, No. 38, York-place, this and following day, at 12 each day.

The incomparably beautiful and magnificent furniture, which can only be appreciated upon a view, embracing the rarest specimens of costly and unrivalled household appendages, which, for style of fashion and execution of design, infinitely surpass description; the chaise lounges, couches, and drawing room chairs, present designs from the antique, and are covered in the richest crimson silk. The cabinet furniture is unequalled, presenting a noble sideboard of matchless grandeur, an admirably finished sarcophagus, a valuable winged wardrobe, patent dining tables, French stuffed chairs, magnificent pier and chimney glasses of extraordinary size, beauty, and perfection, two exquisitely superb, twelve light Roman lustres of the purest refulgence, inimitable rosewood and gold consoles, commodes and centre tables, two elegant and costly bedsteads with superfine cloth hangings, and rich bullion fringe, dwarf book cases, a colossal figure of Hebe, or Jupiter's cup-bearer, patent lamps, elegant Brussels, and other carpets, and a variety of valuable effects, the genuine property of a gentleman removed into the country.—May be viewed two days preceding the sale, and catalogues (1*s.* 6*d.* each) had on the

premises, and of Mr. Fenner, Wigmore-street.

The Friends of a Young Lady of first rate accomplishments and high respectability, adopt this mode of informing parents who may be anxious for a superior system of education, that they have established her in the salubrious and admired neighbourhood of Tunbridge Wells, on a scale of unparalleled advantage for the education of young ladies of fashion and fortune. The number of pupils are limited to eight; the age from six, upwards; and they confidently assert, they have no doubt of conferring as much obligation on those who may be the earliest to fill this number, as on the young lady, whose reverse of fortune has rendered this measure necessary. They will only add, she is under the patronage of ladies of the highest rank, and immediately under that of one whose exalted virtues and talents reflect lustre on the high station she holds in society. A line addressed for A. M. C. at Hodsoll and Stirling's, Bankers, 345, Strand, will meet with respectful attention, and further satisfactory particulars can be given.

Most urgent and imperious circumstances induce a Young Lady of great respectability, to adopt this mode of applying for the loan of a small sum of money, with the hope that it may meet the eye of some person who has the power to assist, and can commiserate her distressing situation.—Address, post paid, to A. J. B. Bradley's Library, Boswell-court, Queen-square.

To Noblemen, and Ladies and Gentlemen possessing landed estates.—A Gentleman by birth, property, and long established integrity and character, is desirous of offering the benefit of his services and experience, to any nobleman or gentleman, &c. of landed property, who may wish to consult an experienced and confidential person on valuing, leasing, and improving estates, &c. and who has the means of recommending good tenants. Though no professional man, he can give good legal advice in most cases respecting landed property, and assures himself that, on explanation, he will be able to prove that he is worthy of the highest trust and confidence, and to give references to this effect to persons of the first respectability and character. The advertiser himself possesses considerable property, and has long lived on his own estates, but having much time disengaged, is desirous of further employment for an active mind. Remuneration will not be an object to him, he only seeks in return for any services he may render, and ability he may be found to possess, the honourable confidence of those he may serve. The Western, Central, or Northern parts of Great Britain would be preferred.—Letters from principals only, are requested to be directed to A. Z. at Messrs. Rodwell and Co. booksellers, New Bond-street.

Belmont House, Mill Hill, Hendon, ten miles from London.—To be Sold by Private Contract, a capital freehold mansion house and estate, containing 84 acres in a ring fence, of excellent freehold pasture land, land tax redeemed, and partly tythe-free. The mansion is an uncommonly substantial pile of buildings, erected by the eminent Architect

Payne, on the plan of a complete Italian Villa, built of the finest Malmstock bricks and Portland stone enrichments, and is situated on a beautiful lawn, ornamented with fine trees, shrubberies and plantations, upon an elevated spot, commanding a very varied and beautiful landscape, enlivened in one direction by the distant high grounds of Totteridge and Barnet, in another, by a rich vale that extends to Harrow. The ground floor, a handsome stone portico opening into a circular hall, about 18 feet in diameter, in which is an elegant Portland stone circular staircase, with mahogany hand rail and rich iron ballustrade, a library or morning room, 20 feet by 17, an elegant dining room of octagonal form, 24 feet by 30, with large circular niche for a sideboard, and a drawing room of beautiful oval shape, 24 feet by 18, a vestibule store room and second staircase; the hall is warmed by a stove on the basement, and a corridor extends to the back front; the first floor, semicircular breakfast-room, with stone and iron balcony and viranda, lady's morning room, two bed chambers, each with a dressing room that looks into an exhedral recess to receive exotics, two other bed chambers, a dressing room and water closet; the second floor is ascended by a back staircase, on which are two nursery apartments, two bachelors' bed chambers, four servants' bed rooms, one smaller do, and a china closet, and a beautiful circular gallery, completing the design of the principal staircase; the roof of Westmoreland slates, stout lead flats and gutters, contains spacious leaden cisterns, which receive the rain water, and abundantly supply the water closets, and afford security against fire; the attached offices, consist of an excellent kitchen, scullery, cool larder, butler's pantry, servants' hall, housekeeper's store room and knife house. The House is built upon most substantial groined arches, under which are the following basement offices communicating with the mansion by two stair cases, (namely) wash house, laundry, another larder, and most capital cellaring for wine, ale, beer, wood and coals. The detached offices at a convenient distance from the Mansion, consist of three coach houses, and two stables for four horses, each with rooms, and lofts over, a harness room, an excellent brew house and tool houses. The Farmery consists of spacious farm yards, cart houses, a cart horse stable, granary, carpenter's shop, rabbit house, store house, beast houses, cow house, slaughter house and piggeries; large kitchen garden inclosed by high walls, covered with fruit trees, and containing a grapery and conservatory, gardener's cottage contiguous and tool sheds; on the outside the walls, are melon grounds, flower garden and orchard. The pleasure grounds and plantations, are laid out with great taste, and embellished with a beautiful and substantial Gothick dairy, with painted glass.—For particulars, apply, if by letter, post paid, to C. G. Parker, esq. Chelmsford; or Mr. Van Heythuysen, No. 12, John-street, Bedford-row, where a plan of the estate may be seen.

The Metropolitan Bazaar, No. 82, Fleet-street, will open on Monday, July 8.—This establishment, it is hoped, will be found calculated amply to reward those persons who may attach themselves to it, by enabling them to display the productions of their genius and industry, with the in-

calculable advantage that each will derive from the collected connections of the many citizens (vendors) assembled in this building, and of a generous public, who are ever ready to support the exertions of the reduced tradesman, his widow, and children. It is but too well known, that many hundred families of this metropolis have been compelled, in consequence of the extreme pressure of the times, to relinquish those establishments in trade from which they had for years derived a comfortable subsistence, and are deterred from attempting to regain that station in society which they formerly held, by the heavy charges that invariably attend the commencing business, though small the undertaking. To avoid such a great expense and risk, is the basis on which this institution is founded, affording to the unfortunate the fairest prospect of retaining their connections; and to those citizens who are desirous of entering upon business (but who do not possess a capital adequate to a more extensive concern), an opportunity the most favourable. The artists whose works are known only to his immediate friends and connections, will here have the benefit of exhibiting, at a small expense, to numerous assemblages of genteel society, the productions of his genius and labour. It is intended that the ground floor stations should be appropriated for the occupation of men, and the upper floors solely for females, and the premises will be found in every respect commodious and elegant, and, by the regulations to be adopted, the Metropolitan Bazaar will rank high in the scale of respectability.—Persons desirous of ascertaining the terms, and of obtaining permission to be admitted to stations, may apply on the premises between nine and twelve o'clock in the morning.

Gentlemen who wish to have their Hair Cut in the invincible or Coburg Crop, so much the rage in London and Paris.—Money, from Paris, late principal assistant to Mr. Ross, for six years, Hair Cutter to his Serene Highness Prince of Saxe Coburg, 43, Threadneedle-street; the high and exalted preference which he has been honoured with, pre-eminently rank him above all competition; the many complaints that have been made to him by gentlemen having their hair badly cut by apprentice boys and young men from the country, J. M. intends performing that most essential branch of the business himself, for which he charges only One Shilling. Every article of Ornamental Hair 100 per cent. cheaper than any where else.—Money's new invented Brush, for eradicating the Scurf from the Skin of the Head, the most essential article ever introduced, 4*s*. 6*d*. each, at no other shop in London but his.

Oriental Treasure.—The most valuable acquisition which Europe has obtained from India is the Sublime Cordial for nervous and bilious complaints, purchased at an immense price of a Brahmin Huckeem or native physician, by Sir Paul Juddrel. This invaluable medicine is an absolute specific for all secret infirmities, induced by irregular, luxurious, and artificial habits.—Sold at the Patent Medicine Warehouse, No. 1, St. James's-street, corner of Pallmall, at 10*s*. 6*d*. a bottle, or 12 bottles for 5*l*.

A Widower wishes Board and Lodging.—The society of an ami-

able and well educated female, under thirty years of age, is the object of this advertisement. The advertiser is a man of birth and fortune, neither old, nor, it is hoped, disagreeable either in person or manners. Such letters only as exhibit internal evidence, that the writers have received a gentlewoman's education, will be noticed.—To such, immediate and respectful attention will be paid, and the strictest honour and secrecy may be relied on.—Direct, post paid, R. V. Richardson's Hotel, Covent Garden.

Chess.—Lessons given at his apartments, by a Professor of acknowledged superiority, and who is also well known as the author of several publications on the game. He can refer to noblemen and amateurs of very great skill, who have rapidly improved under his tuition; his method of teaching is peculiarly his own.—Address to J. H. S. No. 227, Tottenham court-road, corner of Store-street.

To the Public, Natives, or Foreigners.—Many persons are deprived of what they are justly entitled unto, or of advantages actually in their power to attain, by neglecting the inspection of Papers or Documents in their possession, which perhaps have never been looked into with due attention, or left unnoticed for many years either on account of their apparent insignificance, intricacy or confusion, or of their being written in languages in which the owners are either not versed at all, or not sufficiently to form a perfect notion of the purport or utility thereof:—Therefore the advertiser hereof, (who is a man well known in this metropolis, and whose character can stand the test of the most scrupulous inquiry as to respectability, honour, integrity, and qualification,) offers his service to all those who are possessed of such Papers or Documents, and desirous to have them carefully inspected, examined, and abstracted, or explained for their satisfactory information. His terms will be very moderate, in all cases where no other advantage may result from his immediate service than merely satisfying the curiosity of his employers; in such however where any considerable benefit may accrue to them from being thus informed by his means, and if required assisted by his consequent advice and exertions, he will feel himself entitled to such compensation as may appear reasonable and consistent with the extent of the object determined or to be attained. The utmost attention and secrecy may be fully relied upon. He actually intends to establish an office for this particular purpose, yet for the present he prefers being addressed under the initials S. S. at Mr. Wilson's Office, No. 7, Pope's Head Alley, Cornhill.

Capital Town Residence, York-place, Portman Square.—By Mr. Fenner, on the Premises, on Wednesday, at one, with immediate possession.

A most superior and modern built Family House, late the residence of a gentleman removed into the country, centrally and most desirably situate, being No. 38, on the west side and principal division of York-place.—The house is approached by a paved entrance hall, and comprises, on the ground floor, a vestibule, eating room of large dimensions, morning room, boudoir and water

closet; on the first floor, a capacious suite of noble and lofty drawing rooms, fitted up in the very first style of sumptuous magnificence; on the second and upper stories, numerous cheerful and airy bed chambers, with an abundance of excellent servant's offices in the basement, and double coach house and four-stalled stable, held for a term of years at an old reserved rent of 200 guineas per annum, and forming altogether one of the most inconceivably superior town mansions for the establishment of a gentleman of fortune that can possibly be imagined. On the same and following day will be sold the splendid Furniture and magnificent Plate Glasses.—The house (by tickets only) may be viewed till the sale, which with descriptive particulars may be had of Mr. Fenner, Wigmore-street.

The Lady who once desired her Correspondent to "propose any thing, the most romantic;" who assured him of "sentiments of attachment which could never cease to exist;" and who has, or had, a printed paper, bearing his name, is most earnestly entreated to inform him of her real situation. She may depend upon it that he has omitted no effort to serve her, and that he is prepared to do every thing possible.

HATCHING EGGS BY ARTIFICIAL HEAT.

During ages, beyond the power of historical records to enumerate, the Egyptian people have been in the practice of hatching the eggs of all kinds of poultry, more especially the gallinaceous, by means of artificial heat; means the most obvious, when attended with success, of raising the greatest abundance of that species of provision for public use. The philosophers of the French academy, ever on the watch for the advancement of scientific or practical improvement, in the early and towards the middle part of the last century, eagerly laid hold of the report of their travellers, and made experiments in their own country of this Egyptian practice. The experiment was made on a considerable scale, under the royal patronage, and M. de Reaumur, a name well known in the annals of science, did not think it beneath the dignity of his name and acquirements, to undertake the practical and superintending part, performing it with a minuteness of attention, which may well excite jealousy in the breasts of the most thorough paced housewives in Christendom. He afterward presented to his country, and to the world at large, the successful and important results, in a comely octavo, adorned with fourteen explanatory and useful folding plates, and containing nearly five hundred closely printed pages. This curious work was translated into English, with greater fidelity than elegance, in the year 1750. Nor was the attempt of De Reaumur at the multiplication of chickens, the only one in France; ladies of high quality, and reverend inmates of the convent, patriotically bestowed their industry and attention on the same pursuit, with considerable success. Not only in France, but at Florence, and even in Poland, similar attempts had been made. The project however, from whatever cause, seems in a very few years to have become extinct in France, and has since probably been confined to Egypt its native soil.

Diodorus Siculus, Aristotle, and

other ancient writers advert to the Egyptian practice of hatching eggs, and the latter explains the process of performing the same operation by the heat of dung. The ancients indeed, were well aware of the practicability of eliciting animal life from the egg, independently of the incubation of the hen, and Pliny has recorded the success of Livia, in hatching a chicken in her bosom, an act of patient curiosity which has been paralleled by several French ladies, who have, in the same way, proved themselves the mothers of goldfinches and canary birds. Pliny says also, "sed inventum, ut ova in calido loco, imposita paleis, igne modico foverentur, homine versante pariter die ac nocte, et statuto die illinc irrumpere fœtus." In English, it had been discovered in his time that eggs placed on straw in a moderate heat, and turned day and night by an attendant, would be hatched within the limited period of incubation.

This art however, is not to be understood as ever having been of general notoriety even in Egypt. On the contrary, the knowledge of it is there confined to a single village, named Berme, situate in the Delta, within twenty leagues of Grand Cairo, and to a few adjoining places. The inhabitants teach the secret to their children, but conceal it from strangers. When the season for hatching approaches, which is the commencement of autumn, these Bermeans disperse themselves over the country, each of them taking upon himself the management of an oven, in the Egyptian language called *mamal*. In the construction of these ovens, which, however, discovers a considerable degree of ingenuity, there can be no secret, since they are open to all, foreigners as well as natives: the peculiar skill of the Bermeans consists in the arrangement, gradual warming of the eggs, and successful development of the young brood.

The *mamals* or ovens of Egypt, of which De Reaumur in a fit of real enthusiasm, says, that country ought to be more proud than of her pyramids, are scarcely above nine feet in height, but they have an extent in length and breadth which renders them remarkable, and yet they are more so in their internal structure. The centre of the building is a very narrow gallery, usually about the width of three feet, extending from one end of the building to the other, the height of which is from eight to nine feet; the structure, for the most part of brick. The entrance into the oven is through the gallery, which commands the whole extent of it, and facilitates the several operations that are necessary, to keep the eggs to the proper degree of heat. The oven has a door, not very wide, and only as high as it is broad: this door and many others in use in the *mamals*, are commonly no more than round holes.

The gallery is a corridor, with this difference from our common corridors, which have only one row of rooms, whereas that of the *mamal* has always two rows of them on both sides, namely, one on the ground floor and another above. Every one upon the ground floor, has one above, perfectly equal, both in length and breadth. The rooms of each row on the ground floor, are all regular and equal, in length, breadth, and height. Reaumur observes, we know of no other rooms in the world so low as these, being only

three feet in height. Their breadth, which is in the same direction with the length of the gallery, is four or five feet; that they are very narrow in proportion to their length, which is twelve or fifteen feet.

Every one of these rooms has its door or round aperture, about a foot and a half in diameter, opening into the gallery, the hole being wide enough for a man to creep through. All the eggs to be hatched, are at first ranged in these rooms. Father Sicard informs us, that four or five thousand eggs are put into each of them. These are the real ovens, so that the whole edifice which is denominated a chicken-oven, is an assemblage of many ovens set together, side by side, opposite, and over each other; and in the course of the process, a part of the eggs are warmed in the upper rooms, after having been previously in the lower

There is some discrepancy in the accounts of authors, as to the number of rooms, and the quantity of eggs hatched at a time; it might arise however from different local customs. Father Sicard gives but four or five rooms to each row on the ground floor; Granger insists on seven; Monconys, ten or twelve to each; whilst Thevenot asserts, there are no more than three. They were all eye-witnesses; and according to the report of one, only forty or fifty thousand eggs were hatched at once, whilst another extends the number to eighty thousand. The eggs are spread on mats, flocks, or flax, in each room upon the ground floor, where they contract their first and general warmth, during a certain number of days.

The upper rooms, or those of one story high, have each of them fire places, the fire of which warms the eggs in the corresponding inferior rooms: the floor which separates each of these from its inferior room, has a large hole, or aperture in it, through which the heat is communicated to the lower room. The floor which separates the upper room from that beneath, has, on each side, a gutter or channel, continued its whole length: in these two channels, the fire is lighted. Granger observed two more gutters, one at each end of the room: they were six inches wide and two deep.

Every upper room has, beside the large aperture, through which it has its communication with the lower ones, two other holes—a small one in the arch which supports it in lieu of a cieling, and another in the wall, that separates it from the gallery. This last serves instead of a door, as the hole placed in the same manner under it, does the room below; performing also the office of a chimney, the smoke having no other passage, since during the whole time the fire is burning, they keep the hole in the arch or ceiling of each room, close stopped. The smoke by this mean, is carried into the gallery, through the door of the upper room, whence it escapes through holes which are made in its roof. They also stop the doors of the under rooms, whilst the fire is lighted, that the air within, may be sooner warmed by the heat communicated from the upper ones. These doors as they are called, are only as so many holes to be stopped, which it is of importance to do closely and exactly; thence it is more se-

surely done, with wads or bundles of coarse tow, than with any kind of wood work.

The heat of the air, in the inferior rooms, and consequently that of the eggs, would rise to an excessive degree, were the fire in the gutters incessantly kept up. Father Sicard says, they keep it up only an hour in the morning, and an hour at night, and that they style these heatings, the dinner and supper of the chickens: they receive however, two more meals according to Monconys; that is, a luncheon and afternooning, the fire being lighted four times in a day. This may depend on the temperature of the air, as they have in Egypt, eggs hatched during several months together; and as in the hottest countries, all the months which follow one another, have not an equal temperature of air, the temperature of some of them require the fire to be lighted a greater number of times; or that they keep it longer in their ovens, than ought to be done, either in the succeeding months, or in those which preceded.

During many days previous to that of the hatching, it would be needless, and even dangerous to increase the fire in the oven; because after a certain number of days, the whole extent of the place has acquired a degree of heat, that may be preserved in it, many days together, only by using a few easy precautions, notwithstanding the impression of the external air, and that without any sensible diminution, or at least without any, which might be hurtful to the chickens. Travellers differ as to the period, at the end of which, the fires cease in the ovens; but it seems probable that, they are only kept up during the first eight or ten days, the eggs being subsequently sufficiently warm from the temperature already acquired by the stoves. On the day on which they cease to light the fires, part of the eggs of each inferior room, are always conveyed into the room above. The eggs had been too much heaped in the former, and it is now time to extend and give them more room. It is a task sufficiently hard for the chick about to be hatched, to break and deliver itself from the shell, but it would be impossible for it to lift any additional weight.

The proper number of eggs from each inferior room, having been removed into the room above, all the apertures of the rooms and of the gallery, are closely and exactly stopped with bungs of tow, excepting perhaps, half the apertures in the arches of cielings of the upper rooms, which are left open, in order to procure there a circulation of air. This precaution is sufficient to preserve in the ovens, for many days together, the temperature which has been obtained; which indeed would be the case with ovens upon so considerable a scale in any country, more especially in one so hot as Egypt. The fuel used, is the dung of cows or camels dried and mixed with straw, made into a kind of turfs; in these countries, tanner's bark would answer the purpose, as it does that of our hot houses for fruit. Wood and coals, unless indeed previously charred, would make too quick a fire.

Sicard gives an idea of the immense quantity of chickens hatched in his time, in Egypt. The number of these ovens, dispersed in the several cantons of the country, was no less than three hun-

dred and eighty-six. The business seems to be monopolized by the Agas or government, and therefore cannot be varied in extent, but by their permission. Each *mamal* has one managing Bermean. These managers cannot absent themselves from duty, but with leave obtained from the Aga of Berme, never obtained but at the expense of from six to ten crowns. The Aga constantly keeps a register of these fees, which is to him a sort of rent-roll.

The above number of ovens is kept at work in Egypt annually, during four to six months, allowing more time than is necessary to hatch eight successive broods of chickens, ducks, and turkies, making on the whole, yearly, three thousand and eighty-eight broods. The number in each hatching is not always equal, from the occasional difficulty of obtaining a sufficient number of eggs, which may be stated at a medium between the two extremes, of forty and eighty thousand to each oven. The Bermean contracts to return, in a living brood to his employer, two thirds of the number of eggs set in the ovens: all above that number being his own perquisite, in addition to his salary for the season, which is thirty to forty crowns exclusive of his board. According to report, the crop of poultry thus raised in Egypt, was seldom if ever, below that ratio, making the enormous annual amount of ninety-two millions six hundred and forty thousand. It is obvious that the apparent grand difficulty of obtaining a sufficient number of eggs, must subsist chiefly, or entirely, in the infancy of such an undertaking, and that its progress must infinitely extend the supply, as has been the case in Egypt, where the breeding-stock has been so multiplied, and where in consequence, the commodity is so cheap from its superabundance, that in the time of father Sicard, a thousand eggs were sold for thirty or forty medins, making three or four shillings English money. Indeed, the chickens were not sold from the stoves by tale, but by measure; according to De Reaumur, by the bushel! and it appears from travellers of the present day, to be the custom in Egypt, to purchase chickens by the basket full.

Thus much may suffice, as a general outline of Egyptian practice, in an art not likely to be pursued in any part of Europe, least of all in Britain, for reasons already assigned. Exclusive of the facts, that we are not a poultry eating people, and that we do not consume so many eggs, as are required in Roman catholic countries, ours is not a country from something peculiar in its economical constitution, which can long bear superabundance and cheapness; a hint much at the service of our political economists. With respect to the date of the above Egyptian details, as drawn from old authors, some of whom perhaps visited that country more than a century since, it may be remarked that, the orientals scarcely ever change their customs, and that in Egypt and Arabia, the manners and habits of the days of the patriarchs are still generally prevalent: thence it is probable, that the same system of hatching fowls, which was common in the days of father Sicard, prevails at the present time; nor have I met with an account of any material change, in the books of more modern travellers.

De Reaumur however, in the true style of a projector, thus rea-

sons in support of his favourite scheme, which previously had been honoured with even a still more powerful advocate, in the regent *duc d'Orleans*. The former demands,—"Why do we not try then, to make up by art, for the scarcity of what the hens are disposed to give us. The example of the Egyptians, who are so much the better for not depending upon hens to have chickens, seems to point out to us, what we ought to do. Notwithstanding the expense of building the ovens, and that of the people employed to look after them, their broods are not by much, so expensive as ours: for it would be a very great mistake, to think that it costs us nothing to make our hens sit; a hen is employed in sitting on her eggs, and in the care of her chicks that come out of them, for two months and a half at least, and sometimes for three, or three and a half of the months, that are most favourable for laying, and during which she might have laid above thirty eggs at a medium. To have fifteen eggs sat on, which is the number commonly given to a hen in France, we must, of course, lose thirty others; by which means, the price of each of those which are put under the hen, becomes that of three eggs. This is one of those things that may seem to be small, or almost unworthy of our notice, when considered singly; but which appear of some importance, when we reflect on the prodigious number of times they are repeated. It would cost much more than one hundred thousand eggs, to have only fifty thousand of them sat on by hens; that is to say, above two thousand five hundred livres, in those countries where eggs are sold for six sous a dozen. It would not cost us nearly so much, to have the same number of eggs warmed after the Egyptian manner; the whole expense indeed, would be little more than the salary of one or two men, for three weeks or a month at most."

This indefatigable advocate then proceeds to adduce a circumstance, in consequence of which the inhabitants of the European countries, from their greater advance in the conveniences of life, have an advantage, would they deign to make use of it, even over the Egyptians themselves, in the power of multiplying, without additional expense, the processes for hatching eggs with common heat. He says, every oven which has its arch covered over, affords a chicken-stove almost ready made; whence it is easy to judge, that people are actually provided, in most countries, with as many chicken-stoves, as are necessary to hatch a greater number than there are annually produced in Egypt. It is true the quantity of eggs warmed at a time in one *mamal*, is greater than that which can be warmed in one of our new ovens; but does not the number of those ovens, which are heated frequently enough to serve to hatch chickens, vastly surpass that of the three hundred and eighty-six, which is the whole number of the Egyptian *mamals?* If nothing was wanted to us but ovens, London or Paris alone, with the suburbs, &c. would enable us annually to hatch more chickens, than are hatched all over Egypt. We may, without engaging ourselves in a calculation of the number of the ovens, that are employed to feed the inhabitants of those large towns, very confidently affirm, that there are a great many more than three hun-

dred and eighty-six; nor are the ovens of the pastry cooks to be forgotten. In short, the stoves dependent on them, might serve to warm eggs and hatch chickens all the year round, whereas the Egyptians themselves do not think they can use theirs for any longer time than six months.

It cannot then be denied, that we have in our power, to hatch such an immense quantity of chickens, as would much surpass that which the whole kingdom can consume, by using towards the warming of the eggs, a part of the heat of our bakers and pastry cooks, which has hitherto been absolutely lost. However, we are not to expect that all the people in these trades, will at one fall into the practice; but when some of the most industrious and active of them, shall have used their ovens with success for this purpose, they gradually will be imitated by others; and in time, none among them, but those that are either too idle to be rich, or are overloaded with business, will neglect procuring to themselves, an amusement as beneficial even as the most laborious occupation.

In the year 1782, whilst resident in Surry, Reaumur's book first fell into my hands. I had often heard of such a treatise, and being then much attached to breeding poultry, I had a strong desire to make trial of the Egyptian mode of hatching the eggs. I had in fact, already commenced, and our endeavours were stimulated and amply assisted by the presence of such a guide. We were however, soon satisfied by a trial upon a very small scale, and can in few words, explain to the reader, both our process and the reason for its discontinuance.

There are two modes of heating the eggs, through the means of fire, or stable dung; we made choice of the former. A number of eggs, wrapped in wool and covered with flannel, in a common wicker bottom sieve or riddle, were suspended over a chafing dish of charcoal, in a chimney where was no other fire. The chimney skreen was constantly kept fast, in order to concentrate the heat. It was a small chimney, into the funnel of which, the wind did not set with any force, at least at that time, and the heat was as well retained as in a stove. We had no thermometer, but measured the degree of heat merely by our own feeling, and as we could judge it to correspond with the natural heat imparted by the body of the hen during incubation. Reaumur determined the proper degree of heat to be thirty-two degrees by his thermometer. Constant attendance, at least every three or four hours, must obviously be necessary, night and day, to preserve an equality of heat to both sides of the eggs, of which there was only one layer, filling the bottom of the sieve, to the number of forty odd. This was effected by turning the eggs, giving each side the equal chance of nearness to the fire, which must be constantly kept to a moderate and equable heat. We made use of all fine and new laid eggs, but in our first attempt, we lost a number, which however were not rotten, but had evidently bred chickens, which perished from an imperfect disposition of the heat. They were most probably of the eggs placed in the circumference, where the heat might be defective, and which we afterwards had the precaution to change to the centre, where the heat was greatest. Or, with equal probability, the

heat might be sometimes too great in the centre, and occasion instant destruction to the nascent being in the shell. As the chickens advance in growth, the covering of flannel should be made lighter, and on the expectation of hatching, it must be reduced to a very thin covering, that nothing may press upon the eggs to impede the efforts of the chickens. We obtained between thirty and forty chickens, from about forty-five eggs, all in good health, two excepted, which being weak, required assistance to be released, and survived only a day or two.

The brood, placed in a basket of soft hay, and covered with flannel, were committed to the same chimney, the charcoal still burning. This was continued a day or two, the degree of heat considerably reduced, until they required feeding. Making a noise with the finger nails against a board, upon which the chicks were placed, in imitation of the pecking of the hen mother, first taught them to peck at their meat, and they from natural instinct, followed the noise readily and eagerly. They were soon taught to drink also, but with some difficulty to prevent them in their eagerness from wetting their feet and plumage. It should be here observed, that we had set three hens on the same day we commenced the process by artificial heat, and one of these, producing a small number of chicks, we contrived to deceive, and make her foster-mother to a part of those artificially hatched; and acting the same part with the other two, we had few more than twenty to bring up by hand.

Here commenced the grand difficulty. The nurse chickens soon became weary of their basket, feeling their natural desire of almost perpetual action, and the want of a mother to lead and brood them. A capon is best calculated for this business, as from size being capable of covering such a number; but much discipline is required to bring the capon to this habit. I have never made trial of the capon for this employ, but am assured, that the discipline described by Buffon, namely, plucking the feathers from the breast, and repeatedly irritating the skin with nettles, in order that the pain may impel the bird to take chickens to the part by way of alleviation, is equally futile and unnecessary, as it is barbarous; indeed more probable to enrage him, and endanger the brood. It is said, feeding the chicks a few times with the capon, attaches it to them; that some capons will brood them almost immediately, others can never be induced to it by any means. In the mean time an artificial mother cannot be dispensed with, under which the chickens may brood and shelter.

We made choice of a box, the sides of which we covered with lamb's skin dressed with the wool on, the lid being covered with the same, placed and confined sloping within the box, so that one extremity reached nearly to the bottom, the other gradually ascending: the smallest chicks, by penetrating to the farther end, could nestle their heads and shoulders in the wool, and those which were taller, would find the same convenience in the ascending part of the lid. Such is their mode of nestling under the hen, and which is absolutely necessary to their comfort, and even their existence. A curtain of flannel was suspended over the opening of the box.

A wicker cage or koop surrounding the above box and arti-

ficial mother, which will entirely confine the chickens to its circumference, is a great convenience in bad weather, or for the purpose of separation; indeed a koop of that kind for a hen and brood, is often useful. One discovery we made in the attempt at artificial hatching, namely, that young chicks are injured by being placed upon a boarded floor; it is too cold and chilling for them, the feet and legs appearing swoln, as if from chilblains. Dry earth is their proper floor.

Mr. Young recommends the following plan of an artificial mother, and the experimenter may make his election between the two, or improve on them both, at his discretion.

"Five broods may at once be cherished under an artificial mother. This mother may be framed of a board ten inches broad, and fifteen inches long, resting on two legs in front, two inches in height, and on two props behind, two inches also in height. The board must be perforated with many small gimblet holes, for the escape of the heated air, and lined with lamb's skin dressed with the wool on, and the woolly side is to come in contact with the chickens.

"Over three of these mothers, a wicker basket is to be placed, for the protection of the chickens, four feet long, two feet broad, and fourteen inches high, with a lid open, a wooden sliding bottom to draw out for cleaning, and a long narrow trough along the front, resting on two very low stools, for holding their food. Perches are to be fixed in the basket, for the more advanced chickens to roost on. A flannel curtain is to be placed in front, and at both ends of the mothers, for the chickens to run under, from which they soon learn to push outwards and inwards. These mothers with the wicker basket over them, are to be placed against a hot wall, at the back of the kitchen fire, or in any other warm situation, where the heat shall not exceed 80 degrees of Fahrenheit.

"When the chickens are a week old, they are to be carried with the mother to a grass plat for feeding, and kept warm by a tin tube filled with hot water, which will continue sufficiently warm for about three hours, when the hot water is to be renewed. Towards the evening the mothers are to be again placed against the hot wall. Their food as before observed, is to consist of coarse barley meal, steamed till quite soft; steamed potatoes minced quite small, and occasionally pellets of coarse wheaten flour; these articles may be given to them alternately." This description is certainly superior to mine, in variety of particulars and precision, if not in real use.

It will readily appear why, although we were perfectly satisfied with our success in hatching a considerable number of eggs artificially, we did not yet wish to continue the practice. The fact is, there is no adequate motive in this country, where a quantity of poultry, fully equal, and even superior to the demand, may be raised by the natural mean: were it otherwise, there is no doubt, but the artificial process might be conducted here with sufficient success, and to the immense multiplication of domestic fowls of every description, an adequate expenditure in houses and attendance, being presupposed. On a first consideration of the subject indeed, a great apparent difficulty

may present, of obtaining a sufficient quantity of eggs; but the case is parallel, at any rate, to a certain degree, in Egypt, where notwithstanding, such an obstacle has never impeded the practice. This view is, in all likelihood, appropriate to France, equally with England. No person then, will attempt artificial hatching, but from the motive of mere curiosity, and that motive must indeed be powerful, to carry one through the endless labour and attendance required. A lady some years since, obtained a premium of ten guineas from one of the societies, for the plan of multiplying chickens, by causing the hens to *set constantly*, or a great many times in the season, which we had tried without success, many years before. It is, in fact, to undertake the most difficult part of the artificial process, that of bringing up the chickens without hens. Nor would the disappointments be few, in procuring hens which would set beyond the usual periods, and those so disposed, soon become consumptive and useless from such hard duty. The plan indeed as a general one, is totally useless. On this head, De Reaumur thus characterizes the hens of his country:—

"So long as we shall depend entirely upon our hens, we must not expect to see the multiplication of the species carried so far as might be wished; it is not nearly all the hens of a poultry yard, that are willing every year to sit. In some years, when I have wanted sitting hens for some experiments, I have had the mortification not to find above four such, among fifty or sixty of them: complaints of hens that refuse to sit, are very common in the country, (France) and I think in general, that, it seldom happens that the third or even the fourth part of them are so disposed. Besides this, they are not always willing to sit at those times, when we wish they would, which is in part the reason why the early chickens are dear a great while, and why we have not every year, a supply of them as early as we wish for it."

HOSPITALS OF PARIS.

In Paris, there are ten Hospitals, two of which are exclusively devoted to particular diseases; one to contagious, the other to syphilitic maladies; the other remaining eight are open to all other kinds of disease. Two other establishments receive at a very moderate price, such sick persons as are straitened as to means, and provide them with every necessary aid and accommodation.

There are, moreover, nine *Hospices* or Poor Houses, destined for poor persons of all ages, who are destitute, or afflicted with incurable complaints.

There are, besides, twenty-two houses for particular charities.

The *Hotel Dieu* is the oldest hospital of Paris and perhaps of Europe. It existed in the eighth century. It was originally a common receptacle for the sick of every description, foundlings, pregnant women, lunatics, &c.—Two and three and even four and six diseased persons were often crowded into the same bed, and in every other respect, it was wretchedly organized. A great change took place at the beginning of the present century. Spacious, well divided, and well aired apartments have been added, and more than twelve hundred beds, one for each patient, have

been placed at such intervals of distance as health and cleanliness required.

The average mortality in the hospitals has been as 1 to 7½, and in the poor-houses as 1 to 6½, and more considerable among the women than the men. The mean duration of residence for patients has been a month and a half. It is to be remarked that where apartments of equal size were one above the other, the mortality has always been greatest in the upper ones.

The *Sisters of Charity* and other religious associations, watch over the sick and poor, and it would be impossible to find other attendants equally zealous, indefatigable and compassionate.

In 1814, 2700 women were delivered in the *Lying-in Hopital:* of these 2400 reported themselves unmarried.

In the interval of the ten years between 1804 and 1814, there were received in the *Foundling Hospital* 23,458 boys and 22,463 girls—a total of 45,921 children; of which number 4130 were supposed to be legitimate.

In the *School of Midwifery* to which the departments of France send pupils annually, twelve hundren of these have been already instructed in the art.

The great Intelligence Office for Nurses has furnished 58,000 in course of ten years. It undertakes to provide them for the inhabitants of Paris, and guarantees their health, morals, &c.

In the official Report made to the *General Council of Hospitals* on the condition of the Hospitals, from which valuable work the above details are taken, much attention is given to the causes of the cases of insanity. Of the insane there were, in general, more females than men. Among the younger women love was, for the most part, the cause; with the rest, jealousy or domestic dissentions. Among the men the premature developement of the passions, in the case of the youth; and in that of the older, the derangement of their affairs. The disasters of the revolution had led to the insanity of many. That of the men, where this happened; turned upon aristocratic notions, and the women were affected by ideas of equality and independence.

The average annual expense of the Hospitals, during the ten years (from 1804 to 1814) was about 2 millions 300,000 francs, and about 3 millions for the Poor Houses (Hospices.)

During these ten years, 355,000 sick were received into the Hospitals, about 35,500 each year, and 59,000 poor were admitted into the Poor Houses. In the Hospitals, the average daily expense for each patient was 1 franc 65 centimes, and the average annual expense of each bed, 603 francs 56 centimes. The rates of similar expenses in the *Poor Houses* were less than one half.

In the year 1804, 87,000 indigent persons received succours at their own dwellings; in 1813, 103,000, and this last was about the average number for the 10 years.

HISTORICAL ANECDOTE OF THE FRENCH REVOLUTION.

In the sitting of the French Chamber of Peers, of 11th Jan. 1816, M. De Sèze, a member and the celebrated advocate of Louis XVI, before the convention, made, on the occasion of voting a

general mourning for that monarch, the following interesting statement.

"I will not, (said he,) let the occasion pass without revealing a fact known, perhaps, only to myself, and calculated to vindicate the French nation from the reproach of having participated in the murder of her excellent monarch.

"At the period when a knot of men unworthy of the name of Frenchmen, and of human nature, conceived the idea of this crime, they formed also the project of implicating in it the French people. They durst not incur the odium of the whole guilt; they wished to divide it with the nation. They were not, however, sure of her assent. They would not venture to demand it formally and solemnly without being previously certain of success in the application.

"They sent commissaries into most of the departments, charged expressly with the business of sounding the dispositions of the public, and ascertaining the probable result of calling for the national suffrage. In some of the departments they devolved this investigation upon the municipal authorities of their own creation. Happily for the reputation of France, the answer was every where the same: It was reported to them from all parts of the vast territory, and for this I can vouch from having seen myself the authentic evidence, that if they did pronounce sentence of death on their monarch and ventured to convoke primary assemblies, in order to submit this sentence to them, it would never be ratified. Frustrated thus in the hope of corrupting the nation, they bent their attention to procuring a majority for the object in the convention. On the 15th January they introduced and discussed the famous question, 'shall the sentence of the National Convention against Louis be submitted to the ratification of the people.'

"During the discussion, the counsel of the monarch, and the monarch himself, hoped that the necessity of the people's ratification might be acknowledged. I was then instructed by him to prepare, during the night and at the very time they were telling the votes in the convention, a memorial to be addressed to the primary assemblies as soon as they should meet. I wrote it, but the next morning the vote was announced, and all France heard with astonishment that 424 members had rejected the intervention of the people, and only 284 had declared themselves in favour of it, although the matter of right was indisputable. Thus was the regicide perpetrated not only without the concurrence, but against the ascertained will of the nation."

STATE OF THE CHILDREN EMPLOYED IN MANUFACTORIES.

[Evidence taken before a Select Committee of the British House of Commons.]

MATTHEW BAILLIE, M. D. called in, and examined.

You are by profession a physician?—I am.

You have had much experience in your profession?—I have.

Has your attention been directed to children?—Not perhaps so much to children as to grown people, except those that have arrived at some considerable age: in this country the health of children is more generally attended to by those gentlemen who attend women who are pregnant; and it does not very often happen that chil-

dren are brought under the attention of an ordinary physician, except in particular cases, until they are three or four years old; after that age, they very often come under the management of the general physicians of the country.

At what age may children, without endangering their health, be admitted into factories, to be regularly employed 13 hours a day, allowing them one hour and a half to go and return from meals, and one hour for instruction?—I should say, that there was no age, no time of life whatever, where that kind of labour could be compatible, in most constitutions, with the full maintenance of health.

Do you think that children from seven to ten years of age could be employed more than 10 hours per day, without injury to their constitution?—I think not; and if it was left to me to determine, I should say, that they ought to be employed fewer hours, for the full maintenance of health.

What do you consider to be the effect upon the developement and growth of the bodies of children from six to ten years of age, of so many hours confinement per day?—I cannot say much from experience, not having attended children that have been labouring in manufactories; but I can say, what appears to me to be likely to arise out of so much labour, from general principles of the animal economy. I should say, in the first place, that the growth of those children would be stunted; that they would not arrive so rapidly at their full growth; that they would not have the same degree of general strength; that it is probable their digestion would not be so vigorous as in children who are more in the open air and less confined to labour; that they would probably be more liable to glandular swellings than children who are bred differently; and I think it likewise probable, that in particular manufactories at least, they would be more likely to be affected with diseases of the lungs.

What would you consider to be the effect on the mental faculties of children so young, when, in addition to the facts already stated, the attention is constantly fixed and employed on one set of objects for days, months, and years?—I should think that they would acquire more acuteness with regard to that particular employment; but that with regard to all general employments, and all general exercises of the mind, they would be inferior to what they would be, if their minds were directed to a greater number of objects either of curiosity or of study.

Have you considered at what age children might be safely employed in factories?—I can only answer this question by a kind of conjecture, which is founded upon my acquaintance with the animal economy: I should say, that seven years old was perhaps the earliest age at which children should be so employed.

How many hours would you recommend children of that tender age to be employed?—I should say, that at that age, probably, for the first year, they should not be employed more than four or five hours a-day; and for the two succeeding years, they might be employed six or seven hours a-day; that afterwards they might be employed ten hours a-day, and beyond that in my opinion, there ought to be no increase of labour.

Have you had any opportunities of knowing what has been the state of health in any manufactory?—I really must say I have not. The

only manufactory of that kind I ever saw was at New Lanark, which Mr. Owen showed to me about two hours.

Would not the state of the health of the persons employed depend most materially on the state of the atmosphere in which they were employed?—I have no doubt it would have considerable influence, but I consider this as only one circumstance; if they are in a very cold atmosphere, or in a very hot one, they would be more liable to suffer than in a temperate atmosphere, certainly.

Might not the children work in a proper temperature a greater number of hours than they could do, without injury, in either of the extremes of heat or cold?—I think that they might.

Are you acquainted with the work in which those children are generally employed?—I am very imperfectly acquainted with those works.

In speaking of the injury to young persons arising from labour, do you mean to speak of labour which requires great bodily exertion?—I did not suppose that children at so early an age were employed in great bodily exertion, but I meant any bodily exertion in which they were confined in a given space, and their minds not allowed to wander into the various channels of thought, and their limbs allowed the sort of irregular exercise which takes place in children who are living in the usual manner.

Is not the state of maturity of children very different in those brought up in the country, to those brought up in town?—With regard to children who are brought up in the country, they are more vigorous; and I have no doubt, in many instances, their progress towards maturity may be more rapid than in children who are reared in a large town.

And your experience has principally been in town?—Entirely, I may say.

Have you been called to give any opinion, or to know the state of health, in different manufactories?—I have not.

What is the state of heat, as ascertained by a thermometer, in which children might work without injury?—I should say, that the temperature which is upon the whole most favourable is about 60 degrees of heat.

In giving your opinion on this subject, do you take into your consideration the situation in which children would be placed, if, at an earlier period, they were not employed in such factories?—I do not know that the whole of this pressed on my mind, but certainly it was not absent from it; I drew the comparison between those children as employed in manufactories, and the ordinary employment of children in the country.

Would children of the age of ten be employed in the ordinary business of the country?—No; but they would be doing a good deal of work of various kinds, as going of errands, or weeding, and a thousand employments which I cannot at present call to my mind.

That answer seems to refer more particularly to children in the country; as the manufactories are generally in towns, it does not apply to them; therefore the Committee wish to know whether you conceive, if children at an early period of life were prevented by Act of Parliament from working in factories, their situation would be better than it is?—I conceive it would be more favourable to health to be at large, although they might

sometimes be not well nourished; and although sometimes they would be in hot rooms, they would have a great deal more time in which they could be playing about, and using their faculties of observation.

DIED, on Sunday, the 26th May, 1816, in Nelson square, Black friars, London, *Benjamin Thompson*, esq. the translator of the German Theatre, and author of several other productions. The deceased fell a prey to his acute feelings. He was the author of a piece brought out at Drury Lane, on the 22d ult. called Oberon's Oath—which being received with disapprobation, affected him very much. The excess of his disappointment could not be equalled by his transports of joy, when, on the second representation, his production was honoured with universal applause. Thus plunged from one extreme to the other, he was taken alarmingly ill on Saturday, and died the next day. He has left a wife and six children to mourn the loss of an affectionate husband and father.

INTERESTING LAW CASES,

AND

DECISIONS.

COURT OF KING'S BENCH, ENGLAND.

Saturday, Dec. 7, 1816.

MAYHEW *v.* BOYCE.

THIS was an action to recover damages for an injury sustained by the plaintiff, in consequence of the overturning of a Brighton stage-coach, occasioned by the negligence and misconduct of the defendant's servant. In the afternoon of Saturday the 12th of October last, Mr. Mayhew took an outside place by the Phœnix coach to go to Brighton, and the vehicle at seven was overtaken by the Dart, of which the defendant was the owner. About a quarter of a mile beyond Patcham, near to a place called the Prince's Dairy, the Phœnix having to turn the abrupt angle of a curve in the road, Barrett, the coachman, made the necessary evolution by turning his leader a little to the right, in order to turn the angle in safety, his near fore-wheel being about three yards from the hedge; when, just at that moment, Snow, the coachman of the Dart, drove furiously up; and in attempting to pass the Phœnix, he came in contact with the wheels of the latter coach, which, in the concussion, was driven three feet against the embankment on the road side, and the instant she was cleared by the Dart, fell over on her side. In consequence, the plaintiff, who is a respectable attorney in the city, was thrown with the rest of the outside passengers with great violence upon the ground, where he remained for some time apparently lifeless, his forehead having received a deep gash, and the brain considerably concussed. By the collision, the dickey of the Dart was broken, and two of her passengers were also dashed upon the road, one of whom had his arm broken, and the other was considerably bruised.

The stress of the case was upon the question as to which of the coachmen was in fault, and much contradictory evidence was given on both sides.

Lord Ellenborough however was of opinion, that the defendant's coachman was bound, in a case of peril, to have taken effectual means of avoiding it, by going to the very edge of his own side of the road, there appearing to have been 14 clear feet of space for him to pass, without coming in contact with the Phœnix. The jury found a verdict for the plaintiff. Damages 200*l.*

Monday, December 9.

HILL *v.* GRAY.

The Attorney General stated, that the plaintiff in this case was an artist, and the defendant one of the most honourable persons which this country had to boast of, an opulent British merchant. He was also a most liberal encourager of the fine arts, and especially, he

had a great taste and judgment for fine paintings. The plaintiff having a very fine one to dispose of—one of the finest of Claude Lorraine's productions, which he had purchased at the sale of Mr. Hope's collection—offered it, through an agent, to the defendant. At the time the plaintiff purchased it, the picture was in bad condition; its beauties very much clouded by varnish and dirt; and plaintiff certainly bought it at a very low price, having given no more than 111*l.* for it; but having cleaned it by a process known only to himself, Mr. Hill discovered the prize he had purchased, and it was offered for sale, as he had before stated, to the defendant, by a gentleman named Butt, who was known to Mr. Gray, and who, having seen the picture at Sir T. Lawrence's, where it was deposited by Mr. Hill, for the inspection and gratification of the admirers of fine paintings, called the attention of his patron to it; at the same time informing him, the picture was at Sir T. Lawrence's, and that the price was 1000 guineas. Mr. Butt, however, advised the defendant not to take his opinion of the painting, but to consult his other friends, and to take a week at least to consider of it. The defendant did accordingly do as his friend advised him, and having seen the picture, and approving it, he purchased it, and it was sent home to him; payment being fixed at a very short date from the delivery of the picture. Soon after the delivery of the picture, however, the defendant was told by some person, that the picture was not a Claude, and therefore he would not keep it; and he accordingly returned it.—The Attorney General now stated, that he should call the venerable President of the Royal Academy, Mr. West, and likewise Sir Thomas Lawrence, and others, who would state, that to the best of their belief the picture was an original of Claude's; and further, Mr. West had said, that in his estimation it was one of Claude's best productions. If he proved these facts, he submitted, he should be entitled to a verdict.

Mr. J. Butt corroborated this statement. He said, when cross-examined, that he did not represent to Mr. Gray, that the Claude belonged to Sir Felix Agar, who being pressed for money was about to dispose of this, and other pictures, to raise 5250*l.*; he never represented that nothing but want of money alone would have induced Sir Felix to sell this picture; nor did he at any time say to Mr. Gray that Sir Felix was in extreme rage at his having agreed to take a thousand guineas. There were three or four pictures at Sir T. Lawrence's, belonging to Sir Felix Agar, and Mr. Gray might have fallen into an error, and supposed the Claude also belonged to Sir Felix, and witness did not consider it incumbent on him to explain the mistake. Witness believed even if Mr. Gray had known that it was not Sir Felix's picture, he would, notwithstanding, have bought it. Witness never told Mr. Gray that the mistake was his (the witness's) and as he had brought it under a misrepresentation, he was at liberty to return it. Witness did say to Mr. Gray, if you will satisfy me this is not a Claude, I will never rest till I have relieved you from it. A price for the picture had been named before there was any conversation respecting Sir Felix Agar's pictures. When he made his objection to the picture, and wanted to return it, he said he wished to do so, be-

cause the picture was not a Claude; this was a week after the sale was completed, and a time settled for paying.

The Attorney General said, he was ready to call Mr. West, Sir T. Lawrence, and several other gentlemen of eminence, who would prove that this picture was, as far as the same could be proved, a Claude, and one of the finest that great master ever painted.

Mr. Scarlett admitted it might be so, but at the same time contended, that the plaintiff must be non-suited, since his own witness had proved the plaintiff had purchased it under a delusion, and supposing it to be a picture previously belonging to Sir Felix Agar.

Lord Ellenborough observed, here was sufficient to make an end of the case, even though the picture should be proved to be the finest that Claude ever painted. The contract, as appeared from the evidence of Mr. Butt, was concluded by the defendant whilst labouring under a delusion; the person conducting the negociation being fully aware of that delusion existing. It was the duty of the witness, as soon as he perceived that delusion, to have cleared it up. He had not done so, and therefore the contract was vitiated, and the plaintiff must be called.

Plaintiff non-suited.

November 30.

SWAN *v.* HAYWARD.

The plaintiff in this case was a livery-stable keeper, residing in Blackfriars Road, and the defendant a young man of property, residing in Walcot-place, Kennington; and the present action was brought to recover a compensation in damages for an injury done to a horse belonging to the plaintiff, which he had lent on hire to the defendant. It appeared from the evidence, that on the 30th of May last, the second day of the Epsom Races, the defendant applied to the plaintiff to let him have a Bucephalus to carry him to the race ground; he was accordingly furnished by the plaintiff with a mare, youthful, handsome in figure, full of spirit, and good and safe in all her paces. The plaintiff's man, according to orders, took the mare to the defendant's house at the appointed time, and saw him safely mounted and started: he attended again by appointment, at eight o'clock in the evening, to receive defendant on his return, who did not, however, come home till between nine and ten o'clock. The mare was delivered to him, and he took her home to the stable. In his way he thought she went differently to what she usually did, and on getting her into the stable and examining her, it was found that she was cut and bruised on the shoulders, sides, hocks, and other parts, as if she had received a severe fall. Next morning the poor animal was so stiff she could not move out of the stable, where she remained for twelve weeks, unable to do any work, and for a considerable time under the care of a farrier, who now, in his examination, stated that the mare, previous to the accident, was a useful animal, equal to doing her work, which, in his opinion, she never would be again.

Two persons who had been in the habit of riding the mare spoke to her good qualities, and stated, that in their opinion, she was not liable to trip or fall. One of them stated, that previous to the mare receiving the injury complained of, he would have given 25*l.* fo her, now he did not consider her worth 5*l.*

The defendant paid 1*l.* 10*s.* as hire for the day.

The Attorney General for the defendant, submitted to the jury, that the plaintiff in this case was not entitled to recover any thing, since the accident had not arisen from any misconduct on the part of his client, but from imperfection in the animal itself; and, therefore, the sum paid for hire was to be taken as a fair remuneration for the plaintiff. If, however, the jury should think differently, and give only a pound damages, it would make the mare a hundred guinea one to his unfortunate client.

Lord Ellenborough observed, the present question for the jury was, whether this accident originated in any misconduct of the defendant, or whether it really originated in any imperfection in the animal. If the latter was the case, then the plaintiff was not entitled to a verdict; if, on the contrary, they should be of opinion the accident originated in any negligence or want of skill on the part of the defendant, then they would find a verdict for the plaintiff, and give him reasonable damages.

The jury, after a short deliberation, found a verdict for the plaintiff.—Damages, 10*l.* Costs, 40*s.*

PARIS COURT OF ASSIZE.

Paris, June, 1816.—The following extraordinary trial of a woman, named Caroline Leruth, was decided on the 14th. She was charged with having stabbed the Sieur Delacour, with a sharp instrument, with an attention of putting him to death. It appeared from the confession of the woman, as well as that of Delacour himself, that this unfortunate man, being tired of his life, met the woman in the garden of the Thuilleries, entered into conversation with her, took her to dine with him, accompanied her afterwards to her lodging, communicated to her his desperate intention of committing suicide, and offered her a large sum of money to kill him; she refused to perpetrate the horrid deed, although she was in great distress; he made her drink a quantity of wine, in order to deprive her of her senses, with the hope that while in a state of intoxication she might be prevailed on to do the act; he gave her his note for 1000 francs and his watch. He then took her along with him to the Boulevards, where she still persisted in refusing to put him to death. He then sat down by a tree, took hold of her hand, put a sharp knife into it, and forced her hand, together with the knife, against his belly, which the knife entered. These were the principal facts of the case. The jury found Caroline Leruth guilty of having wounded Delacour, and sentenced her to ten years solitary confinement.

UNITED STATES.

QUACKERY.

Portsmouth, (N. H.) February 3.

Circuit Court of Common Pleas, January Term 1816.

Jacob Felt, v. *William Dunn.*—This was an action to recover the contents of a promissory note given by Dunn to Felt in December 1814, for 25 dollars. The defendant pleaded that he never promised.

The plaintive clearly proved that Dunn gave him the note; but Dunn resisted the payment on the ground that it was obtained by fraud and imposition.

The case as stated by Dunn was as follows:—The plaintiff was one of that species of quacks who infest this part of the country, called "Cancer Doctors," and the defendant's wife had for some time been troubled with a small tumour near the eye affecting the lachrymal duct. The plaintiff was called in and represented it as a cancer. This alarmed Dunn and his wife. Felt promised a speedy cure; but demanded 50 dollars as a fee, and Dunn was induced to give him two notes of hand for $25 each, one of which had a condition annexed to it that it was not to be paid unless a cure was effected. The other was to be paid, cure or no cure. Felt began his operations, and after torturing the poor woman with caustics, &c. for about eight weeks, it was found no cure was likely to be effected. Such was the torment Mrs. Dunn had endured, that her health was impaired, her constitution destroyed, and her lungs dangerously effected. Felt was dismissed. The tumour upon examination turned out to be a fistula lachrymalis, and the application of Felt to have been altogether improper. All these facts being very clearly proved, the honourable court after summing up the evidence to the jury, directed them that if Felt represented the tumour to be a cancer when it was not, and thereby induced Dunn to give the notes, both notes were without consideration and void. The jury returned a verdict for the defendant.

This trial has done honour to the court and the jury, and it will be, it is not doubted, highly useful to the community. The most fatal disease which prevails in this part of the country is, it is verily believed—Quackery. The weak and the timorous are the objects of its attacks. They are first alarmed with the fears of disorders most difficult and dangerous, then deluded with promises of miraculous cures, and thus first deprived of their money and then frequently of their lives. Hundreds of victims are thus sacrificed annually by quacks of different pretensions. It is hoped it will now be distinctly understood that the wages of quackery can not be recovered in a court of justice, and that there its victims will find protection. The public feeling begins to awaken—let quacks of all descriptions beware!

QUACKERY PUNISHED.

Keene, (N. H.) October 19.—At the Superior Court, holden in this town, the present week, came on for trial, a case of Pedda Day, *v.* John L. Dexter, for mal-practice as a surgeon. The evidence on trial was, that in the fall of 1815, the defendant was called on to examine a slight sore on the ankle of the plaintiff. The defendant pronounced it a cancer, and said he could cure it, and began to apply his *caustics*. By this application he eat and destroyed the flesh and muscles to the bone, and in cutting what he called the cancer, cut off the tendons and cords, and entirely destroyed the use of the ankle and foot. It appeared from the testimony of Dr. Twitchell, and other surgeons, that the sore, when Dexter began his application, was nothing like a cancer, and a surgeon of any knowledge would have known it was not. That the course of the treatment by D. was grossly improper. An advertisement of Dr. D. published in this paper in June 1815, was read in evidence, where the doctor

informed the public that he could cure *all* disorders subject to the human frame, and that he had learnt of the *Indians*, &c. &c.

The chief justice gave an excellent charge to the jury, and directed them, that if they considered the plaintiff's case proved, it was their duty to give liberal damages. That they should not only give sufficient to compensate the plaintiff for the injury done, but also as a punishment to defendant. That the public were interested that such gross quackery and imposition should be put down. The jury gave a verdict for plaintiff for $400 damages. Henderson and Chamberlain, for plaintiff; Wilson for defendant.

PENNSYLVANIA.

Commonwealth v. *French*.—Assault and Battery, Quarter Session, Philadelphia county.

This was a bill of indictment against John French, one of the gate-keepers of a turnpike company, for an assault and battery on Hugh Ferguson.

On a verdict of "guilty" found by the jury, the following sentence was passed by the court: Rush, president.

John French, you have been convicted of an assault and battery upon the person of Hugh Ferguson, under the mistaken notion of a right in the turnpike company and its agents, to arrest the person of a citizen for the payment of toll.

The company have an undoubted right to be paid for travelling, over the *whole* road, and every *part* of it: for which purpose and to secure their toll, they are vested with power "to erect as many gates or turnpikes upon and across the road, as may be sufficient to collect the toll, and to *prevent* persons from travelling."

In this mode only have you a right, *to stop and detain* a traveller. The gate is the only means of detention. The person of a citizen on the road is sacred—you must not so much as touch him, or lay a finger upon him, and should he by accident or your negligence, *pass through the gate*, you cannot pursue and apprehend him. In such cases, however, he remains liable to the payment of the toll, which may be recovered by suit or action against him.

There is not a single turnpike act that we have examined, and we have examined many, that imposes a *penalty* on any person getting *through the gate* without paying a toll. But they uniformly impose a *penalty* in case of evading the toll, "by passing through the *adjacent land*," an infallible proof that the *gate* is the security for the payment of the *toll;* for the collection of which the company may put up as many as they please.

It is by means of the gates, and an action for the toll only, that you are authorised to recover payment for travelling the road.

The citizens must be protected from similar outrages, and were not the court of opinion that you acted under a mistaken idea of the company's rights, they would impose an heavy fine. Believing this however to be the case, they content themselves with ordering you to pay a fine of ten dollars to the Commonwealth, together with the costs of prosecution, and to stand committed till both are paid.

LAW INTELLIGENCE.

Salem, (*N. Y.*) *September* 12.—The court of common pleas of the

county of Washington, adjourned on Saturday last, after a laborious term of two weeks. Several very important causes were decided. But we feel constrained particularly to mention one case, from a conviction that it teaches a very instructive lesson, on a subject neither as well understood, nor as generally regarded as its importance requires. It may serve as a very timely warning to all overseers of highways. It shows clearly, that *the law holds them responsible for all losses accruing from their negligence in the performance of official duties.* If path masters generally knew this, the traveller would not find, as now, in every part of the state, so many crazy bridges, which are not crossed but at the hazard of life or limb, both to man and beast. In the case we refer to, William Crozier brought an action against Moses Bartlett, an overseer of highways of the town of Salem, to recover the value of a horse, that in February 1814, broke his leg, and died, in consequence of falling through a bridge, in the district of which the defendant was overseer. It was proved, on the trial, that the bridge had been out of repair and dangerous for several weeks; that the defendant had notice of its condition, and had himself crossed it a few days before the accident; that its repair was practicable, for it was actually well repaired directly after the accident; that the accident was to be ascribed solely to the condition of the bridge, and not to any carelessness of the driver; and that the horse died in consequence of the accident. The jury returned a verdict for the plaintiff, *sixty-four dollars*, the full value of the horse. To many, doubtless, this will seem a hard case. But the principle upon which it was decided is certainly correct. Justice approves the decision, and public safety renders it expedient. "Morals come in the cold abstract from pulpits, but men smart under them practically when lawyers are the preachers."

CAUTION TO LOVERS.

A verdict of *three hundred dollars* was last week obtained in the court of common pleas of this county, by a young woman against her lover, *for a breach of promise of marriage.*

Mr. Walter Beattie, also recovered, in the same court, during the same term, 225 *dollars*, on an action of *slander* brought by him against Mr. John Beattie, jun. for words spoken by the *wife* of the said defendant.

The State of Maryland v. *Lanman.*—On Saturday last Jane *alias* Jenny Lanman, spinster, was tried in the court of Oyer and Terminer for Baltimore county, upon an indictment for being "*Communis Rixatrix*,"—a common scold and *turbulent brawler.*

The attorney general opened the prosecution with a brief statement of the facts he expected to prove against the traverser, and observed, that the gentlemen of the jury must be perfectly aware that the public peace might be more *noisily* disturbed and the dignity of the good people of the state of Maryland more *loudly* insulted by the shrill clamour of a woman's tongue than by the boisterous quarrels of men—that assaults and batteries were *quickly over*, and the mischief usually confined to the parties; but the rattle

of a common scold was *incessant* and annoyed the whole neighbourhood—that although this offence was strictly of the *feminine gender*, and to the honour of our sex the law had no term to fix this reproach upon *men*—yet inasmuch as *we* were the principal sufferers, the policy of the law had vested men with the sole prerogative of trial and punishment. That he trusted he need not remind them on this occasion that the tranquillity of society mainly depended upon a salutary restraint of its *restless* and *ungovernable members*.

The first witness called was the clerk of the market, who testified that he had known the traverser about four years, during which the witness had charge of the market. That on market days she was particularly noisy and troublesome, bellowing and screaming at all the market people within the reach of her tongue—that excepting her tongue, he knew no harm of her—she was at times industrious and submissive.—Indeed he must confess *he* had now become so used to her tongue, it did not annoy *him* a great deal, though he could not tell how her scolding sat upon other people's ears—that he believed, however, she was afraid of no man or woman upon earth *except himself*.

Two constables were then called, one of whom declared that he considered Jenny the traverser, one of the *most turbulentest creatures* he had ever *saw* in the whole course of his life—that she was *miserably* abusive to every body, black and white, gentle and simple—that witness had *flogged* her over and over again, with a very good cow-hide, to see if he could not quiet her tongue, but all to no purpose, for the more he had whipped the *louder* she had screamed, so that he absolutely despaired of a cure.

Here the jury begged to have the traverser *produced* that they might see her, and *upon this*, without leaving the box they found her "guilty."

We understand the punishment is not yet fixed, though the law still authorizes the court to inflict the ancient and appropriate punishment of *Ducking* till the offender *will hold her tongue*.

SUPREME COURT, PHILADELPHIA, JULY 26, 1816.

Opinion.—Tilghman, Chief Justice.

The Commonwealth, (ex rel. Eliza, a negro child) *v.* Jacob Halloway, keeper of the prison of Philadelphia. (*Habeas Corpus.*)

The facts in this case are few and undisputed. The mother of Eliza was a slave, the property of James Cone, of Maryland. She absconded from her master and came to this state, in which, after a residence of about two years, her child Eliza, was born. The question therefore is, whether *birth in Pennsylvania* gives freedom to the child of a slave, who had absconded from another state *before she became pregnant*. This question depends on the law of Pennsylvania, and the constitution of the United States. On the first of March, 1780, the state of Pennsylvania passed an act "for the gradual abolition of slavery," by the third section of which it is enacted, "that all servitude for life, or slavery of children, in consequence of the slavery of their mother, in the case of all children born within this state, from and after the passing of this act, shall be utterly taken away, extinguish-

ed, and forever abolished." The fifth section directs the manner in which the owners of slaves should enter them in a public register; and the tenth section declares, "that no man or woman of any nation, except the negroes or mulattoes who shall be registered as aforesaid, shall at any time hereafter, be deemed, adjudged, or holden within the territories of this commonwealth, as slaves or servants for life, but as free men and free women, except the domestic slaves attending upon delegates in congress from the other American states, foreign ministers and consuls," and with certain other exceptions, not affecting the present case. Thus far, the act is too clear and too positive to admit of a doubt; nor can it be denied that the state of Pennsylvania had a right to give freedom to every person within her territory, however unjust or impolitic the extreme exercise of that right might have been, considering the situation of some of her sister states. But the situation of those states was neither unthought of nor neglected. Accordingly, we find it provided by the eleventh section, "that the said act, or any thing contained in it, should not give any relief or shelter, to any absconding or runaway negro or mulatto slave, or servant, who had absented himself or should absent himself from his or her owner, master or mistress, residing in any other state or country; but such owner, master or mistress, should have like right and aid, to demand, claim and take away his slave or servant, as he might have had in case the said act had not been made." The terms of this proviso do not extend to the *issue* of the absconding slave, nor is there any necessary implication by which it must be extended to the issue *begotten* and *born* in Pennsylvania. It appears to me therefore, that, under the act of assembly, this child is entitled to freedom. I desire it, however, to be understood, that it is not intended to intimate any opinion on the case, if children of domestic slaves, attending upon members of congress, foreign ministers or consuls; nor in the case of a child, with which a slave absconding from another state, should be pregnant, at the time when she came into this state. All that need be said at present, is, that those cases are distinguishable from the one now decided, and may perhaps be found to turn on different principles. But the constitution of the United States has been acted on in opposition to the act of assembly; and if there be a repugnancy, there is no doubt but the act of assembly must give way. The constitution was formed upwards of seven years after the passing of the act of assembly. By that time the operation of the act had been fully experienced by the slave holding states. It was a subject on which their feelings had been excited, and therefore we must presume, that their representatives in the general convention of 1787, regarded this important object with vigilant attention. Neither can it be supposed, that Pennsylvania and the eastern states were inattentive to what had always been deemed by them a matter of importance. So that it is a case in which there are peculiar reasons for adhering to the words of the constitution. The subject is introduced, in the second section of the fourth article, which is expressed as follows, "No person held to service or labour, in one state, under the laws thereof, *escaping into another*, shall, in consequence of any law or regulation thereof, be discharged from such

service or labour, but shall be delivered up on claim of the party to which such service or labour may be due." This is in conformity with the law of Pennsylvania. The case of the absconding slave is provided for, without mention of the issue.—I see not upon what ground the constitution can be extended beyond the act of assembly, nor does it appear that in the opinion of congress, it can be extended further. For in the "act respecting fugitives from justice, and persons escaping from the service of their masters," (passed 12th February, 1793,) there is no provision, except in case of persons held to labour in one of the United States, *who shall escape* into another of the said states. I am, therefore, of opinion, that, under the act of assembly of this state, and the constitution of the United States, the child Eliza was born free.

Opinion of Yeates, Judge.

The words of the 3d section of the act of 1st March, 1780, are general and comprehensive, and include the cases of all children of slaves who should be born within the state after that day: "They shall not be deemed and considered as servants for life or slaves." The expressions are strong and imperative, and cannot be got over. Where the meaning of the terms used by the legislature is plain, we are bound to adhere to it, and not to transpose their words, or insert others, unless the result would involve us in palpable absurdity, or gross injustice. Whatever may be our ideas of the rights of slave holders in our sister states, we cannot deny that it was competent to the legislature, to enact a law ascertaining the freedom of the issue of slaves, born after the passage of the act within this state.

The only question left to be considered, is—Whether there is any thing in the constitution of the United States, or in any act of congress, passed in pursuance thereof, which controls or abridges the operations of our state law, in its plain and literal sense. The convention who formed the federal compact, had the whole subject of slavery before them; and we well know the prejudices and jealousies of the southern parts of the union, as to their property in slaves. It was no easy task to reconcile the local interests, and discordant prepossessions of the different sections of the United States—but the business was accomplished by acts of concession and mutual condescension. The constitution of the United States, in art. 4, sect. 2, goes no further than to provide, that persons held to service or labour in one state, under the laws thereof, escaping into another state, shall not be discharged from such service or labour, but shall be delivered up. And the act of congress of the 12th of February, 1793, points out the mode by which fugitive slaves shall be restored to their former masters, in another state. It cannot be supposed, for a moment, that the child in question, who was not in existence when her mother ran away, had escaped, or was a fugitive. Her case, therefore, is not embraced, either by the constitution of the United States, or by the act of congress. It irresistibly follows, that negro Eliza is not a slave. At the same time, it is to be fully understood, that my opinion goes no further than the case now before us. The children of the female slaves of foreign ministers, or of the members of congress of other states, which may be born amongst us, are not included therein. It

will be time enough to decide those particular cases, when they shall occur and come before us for our determination.

Opinion of Gibson, Judge.

The case of the relator is embraced by the letter of the third section, and certainly does not fall within any of the exceptions of the tenth section of the act of March 1, 1780. By the provisions of either, she is indisputably free. It is not for us to conjecture what provision would have been made, if the present case had presented itself to the consideration of the legislature.—An attempt to supply what this court might consider deficient, would be an assumption of legislative authority. But the 10th section, effectually guards against all constructions unfavourable to the class of persons intended to be benefited. If, even an equitable construction in favour of the master were not precluded, I am far from being satisfied, that the present case would be proper for its exercise. The support of the relator has caused him neither trouble nor expense. He was, it is true, deprived of the service of the mother from the time she absconded. But this did not happen in consequence of any act of the relator, and gives him no claim on *her*. Whether his case is to be considered a hard one or not, will depend much on the temper with which the mind may contemplate the positive, and artificial rights of the master, over the mother on one hand, and on the other, the NATURAL RIGHTS OF HER CHILD.

JUSTICE'S COURT.

M. COLES, *v.* D. WILSON.

Newburgh, (N. Y.) Oct. 10.—This was an action brought to recover the penalty given to the complainant, under the statute to "regulate highways," for not turning to the right in meeting on the road, as that statute regulates. The cause was called on the 29th September. The defendant acknowledged judgment, and the plaintiff gave the penalty, five dollars, to the corporation, to assist in bringing water into the village of Newburgh.

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J. W. JENNINGS *v.* ROBERT M'CONNELL.

This was an action brought to recover damages for detention on the highway.

It appeared in evidence, that the plaintiff, in a wagon, with one or two other carriages in company, was travelling on the Little Britain Road. They overtook the defendant in a wagon loaded with hay, moving very slow; they wished to pass, and attempted a number of times—the defendant as often cut them off by turning across the road. He had a boy on the load of hay with him, who kept a look-out, and informed when the carriages were going to attempt to pass. By this zig-zag manœuvering, he was enabled to detain the carriages for an hour or two, and by that means broke up a visiting party the company was on. That the road was wide enough to permit a passage but for the interference of the defendant.

The court said, the highway was a common property, belonging to all travellers, and appropriated for their use and benefit, and that when any one turned out of his way to obstruct it, and prevent a free psssage, it was depriving the traveller of his right, and he had a claim on the obstructor for damages—that the evidence supported

a gross obstruction. Of course a judgment was given for the plaintiff.

Baltimore, April 14.—Don Joseph Almeida was lately arrested on a charge of piracy under the Spanish treaty, in virtue of a warrant issued by a justice of the peace for the state of Maryland, under the act of congress of 1789. A habeas corpus was granted by judge Bland, made returnable before Baltimore county court.

The case was argued before Judges Bland and Hanson, and it was urged among other objections on the part of the prisoner, that congress had no power under the constitution of the United States, to invest any judge or justice of the peace with any judicial authority, which is confined by the constitution to the supreme court and such inferior tribunals as congress shall from time to time ordain.—Both the judges concurred in supporting this objection, and gave separate and elaborate opinions, discharging the prisoner, among other reasons, for defect of authority in the magistrate on whose warrant the arrest was made.

By the above decision it is in effect declared, that no state judge or justice of the peace has power to arrest or commit any person for a violation of the laws of the United States.

From the Ohio Western Herald.

STATE OF OHIO, 1816.

For some time since, doubts have been entertained as to the power of congress to vest jurisdiction in the state courts, to hear and determine cases and infractions of the penal and revenue laws of the United States. The question was lately raised in Virginia, before the superior court of that commonwealth, and a determination had adverse to the jurisdiction. The question was raised in a court of this state, and a decision had adverse to the jurisdiction. As this decision is upon a law question of much importance to the whole country, I have requested a copy of judge Tappan's opinion, and herewith enclose it to you for publication in the Herald.

Your's, B.

UNITED STATES *v.* ALEXANDER CAMPBELL.

Information filed by J. C. Wright, collector of the revenue for the 6th collection district of Ohio, against Alexander Campbell, for selling domestic distilled spirits without a license therefor from the collector, contrary to the act of congress in such case made and provided, and praying "that the said Alexander Campbell may forfeit and pay to the United States the sum of one hundred and fifty dollars penalty, and also the further sum of fifteen dollars duty by law imposed upon a license to retail, &c. according to the provisions of the acts of congress in such cases made and provided," &c.

The defendant filed the following exceptions to the jurisdiction of this court.

"And the said Alexander Campbell says, that the information filed against him by John C. Wright, collector, contains no matter or thing to which he the said Alexander Campbell is in this court bound to answer, for that the retailing liquor by the quart is not an offence against any of the laws of the state of Ohio, of offences against which laws only this court

can take jurisdiction—and for that also by the constitution of the state of Ohio, no man can be held to answer any offence in the courts of the said state except upon indictment or presentment of a grand jury; wherefore the said Alexander Campbell prays that he may be discharged from answering said information, and that the same may be quashed.—C. Hammond, attorney for defendant."

Judge TAPPAN.—This is a very important question of jurisdiction, upon which, if I had doubts, I would take further time to deliberate before giving an opinion: as I have none, I will not delay the cause by a continuance, but proceed to give my opinion, notwithstanding the pressure of business may prevent my adverting to many of the reasons and grounds whereon that opinion is founded.

There can be no hesitation in asserting that a proceeding by information is a criminal prosecution, and that it hath always been used as such—4th Bl. Com. chap. 23d, the King *vs.* Berchet and others, 1st Shower, 106.—I refer to these authorities as fully supporting both propositions.

The first question will then be, can the United States prosecute for offences against their laws in the state courts?

This will depend upon the constitution of the United States and the constitution of this state.

The state of Ohio is a sovereign and independent state, not controlable by any earthly power in the making or administration of its laws, except only in such particulars as it hath delegated a portion of that sovereignty to the United States by the federal constitution, and as it hath limited itself in the exercise of power by the same constitution.

The constitution of the United States creates a distinct and separate government from the several state governments, and delegates specific and limited powers to the government so created. By the 3d article, section 1 and 2, the judicial power of the United States shall be vested in one supreme court and in such inferior courts as the congress may from time to time ordain and establish—and "The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty, and maritime jurisdiction; to controversies to which the United States shall be a party," &c. The judicial power of the United States extends to the case now before this court, and that power is wholly vested in the United States courts: the supreme court of the United States hath an appellate jurisdiction in all controversies to which the United States shall be a party; there is no clause in the constitution of the United States which authorizes congress to give jurisdiction to the state courts, or to require the performance of any judicial duties of them; it cannot be said that congress by their laws ordained and established us a court of the United States; for by the operation of the 8th section of the 3d article of the constitution of this state, if such were the fact, we should cease to be a state court; and will it be imagined that an appeal can be taken from this court to the supreme court of the United States? The powers not delegated to the United States by the constitution are expressly reserved to the states or to the people; it

follows necessarily and clearly to my mind, that congress has no power to vest any jurisdiction whatever in the state courts.

This is a criminal prosecution; it may well be doubted whether one sovereign state can sue in the municipal courts of another state; but waiving this point, as not necessary to be here decided, I assume it to be a settled principle in jurisprudence, that one sovereign state cannot make use of the municipal courts of another government to enforce its penal laws. No one would doubt for an instant, if the government of Great Britain or France, or even one of the other states of the union, were to attempt to maintain a criminal prosecution in our courts, that it would not be permitted; and yet, as to its judicial power, and its penal laws, the government of the United States is as much an independent state and separate government as Great Britain, France, or either of the United States.

It hath been urged, that the constitution gives to congress the power to lay and collect taxes, duties, imposts, excises, &c. and to make all laws which shall be necessary and proper for carrying that power into execution; that to collect the excise they have judged it necessary to vest a jurisdiction in certain cases in the state courts. If they have judged it to be necessary, they have been mistaken—convenience is not necessity—their own tribunals are sufficient to enforce their laws. If it be true, that congress, under this provision of the constitution, may pass any laws they deem necessary to carry their specific powers into execution, and are the sole judges of such necessity, where are they to stop? Possessing the sword and the purse of the whole confederacy, nothing more than the establishment of such a principle is wanting to vest congress with absolute power, and to effect a complete consolidation of the states. We have seen that the constitution of the United States doth not give congress the power of vesting jurisdiction in the state courts—the constitution and laws of the state of Ohio do not give us jurisdiction, nor can we sustain it on general principles of law.

An opinion has been read, in which it is stated, that the 3d article of the constitution of the United States vests in the government of the United States a *privilege* of having their causes determined in their own courts, and that this *privilege* may be *waived* by them. By the first article of the constitution, the legislative powers of the United States are vested in congress—by the 2d, the executive power of the United States is vested in a president. I do not see why this doctrine of *privilege* and *waiver* may not with as much reason be applied to the legislative and executive, as to the judicial power, and so the whole government of the United States *waived*. This theory is new, it is beyond my comprehension.

The second question raised in this case is, whether the court can sustain a criminal prosecution by information under the constitution of this state.

By the 10th sect. of the 8th art. of the constitution of Ohio, it is declared, "That no person arrested or confined in jail shall be put to answer any criminal charge, but by presentment, indictment, or impeachment."

An information is as much a criminal prosecution as an indictment; the same process issues on the one as on the other, to bring

the person charged or informed against before the court, and that process with us is a capias—the defendant hath been taken by a capias, and is now holden to answer this information.

I think that a fair construction of our constitution requires us to say, that the proceeding by information is prohibited by it. If we examine the history of informations, we shall find that they have crept into use against the plain meaning of Magna Charta—that although in England a series of precedents support them, yet they are neither suited to our principles of government, nor countenanced or permitted by the state constitution. Such is the unanimous opinion of the court.

Philadelphia, May 22.—The important question involved in the cases depending in the District Court of Pennsylvania, now in session in this city, against a number of the Distillers of Lancaster county, after considerable progress had been made in one of the trials, was settled yesterday, in consequence of an intimation from the Judge, that the defendants' ground was untenable, upon which they very properly abandoned it, without further effort to withhold payment of the duties as claimed by the United States.

The ground taken was, that the distiller is not liable to pay duty on the quantity of spirituous liquor he distils and sells, but on the proportion of alcohol or dephlegmated spirits contained in that quantity of spirituous liquor, separating the water from the alcohol, and excluding all but the pure spirit from the account in estimating the duties to be paid. In other words, that though the liquor composed of water and alcohol be sold as so much spirits, yet it is not the law that it should be taxed as such.

It will be perceived at once to what an immense amount (many millions a year) such a construction involves the public revenue, external as well as internal: and it is matter of general interest that the first attempt that tended to establish it, has terminated, as this appears to have done, in the confirmation of the tax, and the satisfaction of those, who, under erroneous impressions, had resisted its payment.

MARINE COURT, NEW YORK.

Philips v. *Hadley*.

Mr. Justice Scott delivered the opinion of the court.

This is an action brought by plaintiff, as proprietor of the National Advocate, for the sale and delivery of that paper to the defendant, charging from the first March, 1814, to 7th October, 1816, at the rate of $10 per year. John H. Edwards, the carrier, testifies, that previous to 1st January, 1815, he commenced leaving the said paper at defendant's house—that on that day he presented a new year's address, as usually done (to subscribers) to the defendant, headed the "National Advocate," directed to the patrons of the paper, and that defendant gave him 50 cents—that he continued to leave the paper regularly every morning until some time in October last—that that on the 1st January 1816, he presented another new year's address to said defendant, at which time he received 25 cents—that the first conversation he ever had

with defendant relative to the paper, was some time in September last—defendant denied ever having subscribed for or ordered the said paper—said there must be some mistake about it, but offered to pay $10 to plaintiff for the time he had received said paper, and said it was worth no more. Defendant admitted the delivery of it for the time charged by plaintiff, but insisted that it was without any authority from him.

Though there is no express promise on the part of the defendant to pay the value of the paper delivered him, yet there seems to be sufficient in this case to raise an implied assumpsit. The defendant must have known that the carrier was the agent of the plaintiff. The fact of his presenting him with the new year's address as the patron and subscriber of that paper, sufficiently announced that character—and the defendant at that time giving him 50 cents was certainly a strong circumstance that he fully recognised him in the capacity he assumed. —From this conduct of the defendant the agent of the plaintiff could draw no other conclusion, than that the *defendant considered himself a subscriber*—nor could he represent to the plaintiff any other impression, and more especially when not one word was said to induce a contrary belief. But this conclusion gains strength, when we consider the defendant still continued to receive the paper—went on to another year—again received the new-year's address, headed the "National Advocate," ranking him as a subscriber, and again defendant presented a compliment to the carrier. And thus he went on in perfect silence, receiving the paper for a period of two years and seven months, without any denial on his part that he was a subscriber until last September, and then offering to the carrier $10, to be paid to the plaintiff for said paper, observing it was worth no more.

These facts certainly warrant the plaintiff to look beyond this estimated value of the defendant on a *quantum meruit*. Both reason and justice dictate that the defendant should have been more consistent in his actions, and should not have conducted himself in such a way as to authorize a belief that he received the paper as an ordinary subscriber if he did not intend to pay for it; because it was holding out false colors in order to induce the plaintiff to send him in his paper, and therefore, to use and receive the benefit of a publication, the labour and materials of another, without a compensation.

Judgment for plaintiff $25 83.

SUPREME JUDICIAL COURT OF MASSACHUSETTS.

March Term, 1816.

Boston, March 22.—A number of important decisions have been made during the present term. Among them was one in which chief justice Parker, in giving the opinion of the court, went into a very elaborate examination of the state insolvent laws. The court respectfully noticed the opinion of judge Washington delivered in Pennsylvania. According to the decision now made, the law of Massachusetts is, that the several states may pass insolvent laws; and that they are not prohibited so to do, by the constitution of the United States. When a contract made in a state in which an insolvent law exists, and which contract was to be performed *in that*

state, issued in Massachusetts, a regular discharge under such law, is a bar to the action brought on such contract.

There was also an opinion of the court, delivered by judge Jackson, in an action, which arose on a promissory note given for a commercial license, commonly called a *British license*. The defence was, that the note was given on a contract which was *void for illegality*. The determination of this case involved an inquiry into the law relating to commercial licenses in time of war, and a deep research into national and municipal law, and a comparison of opinions, expressed by the civil jurists, on the relations of belligerents. If we are correctly informed, the conclusion of this very learned, and able train of reasoning was this—a trade which was lawful to an American citizen before the war, and during the war, is not rendered unlawful by the use of a license, in such trade, granted by the enemy. The possession and use of such a license may be innocent and legal according to the principles of national law, and the rules of common law. The case might be essentially varied, if it appeared, that the license was obtained by means of an *illegal intercourse* with the enemy. It should be observed, that this cause of action arose before the passing of any positive statute of the United States, on the subject of *Licenses*.

HUHN *v.* KITE.

In this case a Venditioni Exponas issued out of the district court of the city and county of Philadelphia to June term 1816, by virtue of which the sheriff advertised and sold on the 30th May at the merchant's coffee house, the premises in question to William Y. Birch, esq. for 2700 dollars. The plaintiff with his counsel attended the sale, and the property was sold in the usual manner for cash in ten days or to be sold again at the risque of the purchaser. On the next day (1st of June) the plaintiff and one other lien creditor notified the sheriff to receive nothing but *specie* in payment of the purchase money. On the 3d and 8th of June a rule was obtained and made absolute on the sheriff to bring the money into court. On the 15th a rule was obtained to show cause why an attachment should not issue against the sheriff for not bringing the money into court agreeably to the rule.—On the next Saturday it was made returnable, and the following facts were proven. It appeared by the return of the sheriff that he had sold the property for $2700, and that upon deducting costs, &c he had the balance in his hands ready to pay "in Philadelphia bank notes." It appeared that he had paid into the hands of the Prothonotary as much specie as was equal to Philadelphia bank notes at eighteen per cent. advance upon the dollar. It was proven by Mr. Elliot, that the sale had been made in the usual manner, that Philadelphia bank paper had always been taken in such cases, and that in one or two cases in which specie was demanded, it was expressly stated and notice was given before the sale by the parties in these cases; he likewise stated that the demand of specie was prejudicial to the sale of property, after allowing for the difference in value. Some evidence was given as to the supposed value of the premises now sold, but there appeared to be various opinions. When the sheriff received

the amount in bank paper he took from the purchaser an indemnity, an assignment of which he proffered to the parties. The proceeds were to be divided between thirteen creditors, six of whom had made a demand for specie, three including the ground rent landlord, had offered to receive bank paper, the remainder had given no express directions.

Upon this statement of facts the motion for the attachment was argued with zeal on both sides, with reference to numerous authorities.

For the motion it was contended, that the sheriff is bound to bring the money into court upon the writ; that nothing was money but specie; that bank notes were of no more value than the notes of an individual, particularly after the sheriff had received the caution from the plaintiff; that the constitution of the United States had prevented the legislature of any state from making any thing but gold and silver coin of the United States a tender, and that the judicial authority could not do that by circuity which the legislature were directly prevented from doing. That the power of issuing attachments against the officers of the court was prompt, efficient and salutary, and ought to be favoured.

Against the motion, it was urged, that the legislature had viewed this power with jealousy, and had restricted the courts to issue an attachment for what he had received by two different acts of assembly; that in England an attachment would not be issued except there appeared to be manifest oppression; that bank notes were money or not; if they were, then the sheriff was correct, if they were not, then he had received nothing, and of course no attachment could issue; that the distinction between bank paper and the notes of an individual was known in the case of a tender; that as the sheriff had received the amount according to the understanding of the parties at the time of the sale, he was not liable in any shape, and for this purpose the case of Lessee of Dilworth *v.* Sinderling, 1 Binney 488, was cited; that at all events the parties had another remedy against the sheriff by an action for a false return, in which such of the creditors as demanded specie might bring the question before a jury, and have it solemnly determined. The right of demanding specie between the debtor and creditor was not denied, or that the creditors should receive from the defendant the whole amount of their claims in specie, but that this principle did not apply to the present case of a purchaser.

The court took some time to consider the subject, when their unanimous opinion was delivered by judge Sergeant in the following words.

This is a rule to show cause why an attachment should not be issued against the sheriff for not complying with a rule of court requiring him to pay into court the money arising from a sale upon a venditioni.

By the 4th section of the act of 1809, relative to attachments, "power is reserved to the court to make rules upon any sheriff or coroner for the payment of money received upon any execution or process, and to compel obedience to the said rules or any of them by attachment;" and under this section the proceedings have been been carried on in the present case.

Should the court award the attachment prayed for, it must be upon the ground that he has not paid over all the money received from the sales, but has unduly retained it in his own hands.

By the evidence it appears that the sheriff received a check for the money, and that he carried the check to the bank, and received for it Philadelphia bank notes; these proceeds have been appropriated in the first instance to the payment of incumbrances and costs, and the residue paid into court under the rule, in bank notes, or specie equivalent thereto at a depreciation.

It is not pretended that the sheriff has embezzled or kept back any part of the proceeds, but it is alleged that it was the duty of the sheriff to have received only gold and silver money, and that by choosing to take a check, he is under the circumstances of the case bound to pay into the court the demands of the claimants in gold and silver money. It is sufficient to say in answer to this argument, that the court is not called upon to decide, how far the sheriff has omitted to perform his duty, or made himself liable to an action for gold and silver money, and therefore they give no opinion on those points. The simple question referred to them is, whether the sheriff has paid the amount he received, and as it appears that all that he received has been paid by him either in discharge of incumbrances and costs, or into court, he has complied with the rule of court and is not put in contempt.

The court, therefore, discharge the rule to show cause.

Solomons, Porter, Delany, Bigelow and Drinker, for the lien and judgment creditors. John Sergeant and Randall, contra.

Newburg, (N. Y.) Oct. 8.—Two causes were tried at the late circuit in this county, before his honour Mr. Justice Platt, involving principles of much importance, and in which questions of law are raised for the decision of the supreme court, greatly interesting to many of our citizens. The first was Prime against Roe—an action brought by a young woman for a breach of promise of marriage. The defendant, when he made the promise, was but 20 years old; he refused to fulfil his engagements, and, before he attained the age of 21, married another girl. He has no property of his own; but his father, with whom he still lives, is a farmer in easy circumstances. The defence set up was infancy; that the defendant was not bound by his promise, made whilst a minor. The judge overruled the objection, and decided that the action was sustainable on this class of promises against any person of capacity to contract matrimony, which was at the age of 12 in females, and 14 in males. The jury found a verdict for the plaintiff of 1000 dollars damages.

The question of law, whether an action will lie on such contract, is taken up to the supreme court.

The other case was Dorden against Fitch. The mother prosecuted for seduction and loss of society, &c. of her daughter, by defendant's procuring a ceremony of marriage to be performed, falsely pretending himself to be a single man, when he had a wife then living. The defendant exhibited and proved a divorce from his former wife, granted by the supreme court of the state of Vermont, 'for desertion of him by his wife and other causes,' and an explication of the statute of that state, authorizing such divorces to be given.

It was proved that his former wife was a native of Connecticut, and had always resided in that state, except for a short period that she had resided with the defendant in New York, and that he had never had any settled residence but in Connecticut and New York. The judge decided, that the divorce was obtained by the defendant in fraud of the marriage contract; that the parties not being both resident within the state of Vermont, the court of that state had no jurisdiction of the subject matter, and that the divorce being granted for causes not authorizing one by the laws of this state, was of no force in our courts. That it accordingly afforded no justification to the defendant. He was a married man, and his second marriage fraudulent and void. It was proved that the plaintiff and her daughter knew nothing of the divorce until after the second marriage, and that the defendant had always represented his wife to be dead. The character and conduct of the defendant was proved to have discovered itself to be most atrocious and depraved. The jury retired a few minutes, and brought in a verdict for the plaintiff for 5000 dollars damages—the whole amount claimed in the declaration.

The counsel for the defendant have taken the case to the supreme court for their opinion on the validity of the divorce; and, should that court decide against the defendant, avow their determination to remove the case to the supreme court of the United States.

COMMONWEALTH OF PENNSYLVANIA, *v.* KOSLOFF.

It is due to the defendant in this case to state, that, on the application for a habeas corpus on the 27th Nov. 1815, the Chief Justice, whose opinion on the jurisdiction of the supreme court in the case, we are about to give, expressed himself as follows:—

"It is certain to me that there can be no conviction in this case under the evidence given. My own opinion is, that he never can be convicted on the evidence of the child for a variety of reasons not now necessary to be given. I think it would be proper to hold to very low bail, only 500 dollars. There can be no doubt no conviction can take place on the evidence, and I wish the Attorney General to hear this; but as she has sworn to it before Judge Moulder, and the child persists in the story, I must bind over. The law admits the evidence of the person injured, but requires that the circumstances should be made out particularly."

Opinion of the Chief Justice.

The grand inquest for the city and county of Philadelphia, having preferred a bill of indictment for a rape against Nicholas Kosloff, consul-general of his imperial majesty the emperor of Russia, a motion has been made to quash the indictment for want of jurisdiction in this court. Two causes are assigned for our want of jurisdiction.—1st. That the privilege of immunity from criminal prosecutions is conferred on consuls by the law of nations. 2d. That by the constitution and laws of the United States exclusive jurisdiction in all cases affecting consuls is vested in the courts of the U. States.

1st. It is granted, that by the modern law of nations, ambassadors and other public ministers, are, in general, exempt from cri-

minal prosecutions. Perhaps there are some offences, such as an attempt on the life of the sovereign near whom they reside, which would warrant their punishment. But in every thing short of an extreme case, it is more conducive to the peace and more agreeable to the usage of nations, to send them to their own sovereign, to receive from him the punishment they deserve. It has not been contended, that a consul is a *public minister*, but it is said, that a consul-general, such as Mr. Kosloff, is prohibited from exercising trade and commerce, and entrusted with important concerns of his sovereign, so nearly resembles a public minister, that he is entitled to some of his prerogatives, and in particular to exemption from criminal prosecution. In considering this case, we must exclude from our view the august personage to whom allusion was made in the argument. Concerning his high character, and the intimacy of the relations to be preserved with him, there is but one voice, one wish. These considerations would have their deserved weight in their proper place, but before us, there is only a naked question of right, in which all nations are equally concerned, for we cannot but see that what is granted as the right of one, must be conceded as the right of all. The law of nations is to be sought for in the usages of nations, in the opinions of approved authors and in treaties, and in the decisions of judges; with regard to the privileges of consuls, there is some difference of opinion, among respecable authors. Wicquefort, Bynkershoeck, and Martens, allow to a consul no privilege, against suits civil or criminal; and the reason they assign is, that consuls in no manner represent the person of their sovereign, but are sent for the purpose of assisting his subjects, particularly in matters of commerce, and sometimes of deciding disputes, which may arise between them, by permission of the government in whose dominions they reside, (see Wicquefort l'Ambassadeur, book 1. page 65. Bynkershoeck *de foro legatorum*, chap. 10. page 110, Barbeyrac's translation into French. Marten's Summary of Law of Nations, book 4. chap. 3. sect. 8.) Opposed to them is Vattel, who, although he does not assert that a consul is entitled to the privileges of a public minister in general, is yet of opinion, that from the nature of his functions, "he should be independent of the ordinary criminal justice of the place where he resides, so as not to be molested or imprisoned, unless he himself violates the law of nations by some enormous crime."—Vattel, vol. 2. chap. 2. sect. 34. I am not quite sure what is meant by violating the law of nations in this passage. Crimes against the law of nations, are sometimes understood to be crimes which all nations agree to punish—such are murder and rape, among all civilized nations; and if that be the meaning of Vattel, his authority would not exempt the consul from the present prosecution. But what is of more weight than the judgment of authors however respectable, is the opinion and practice of our own government, and that of the foreign nations with whom we have had intercourse. We have had treaties with France, Spain, Great Britain, Holland, Prussia, and Sweden, in all of which the subject of consuls has been introduced, and in not one of which have consuls been protect-

ed from suits civil or criminal. I say nothing of our treaties with the Barbary powers, because there are special reasons why all nations who send consuls to them take care to provide expressly for their personal security. In the treaty with Great Britain, made in 1794, consuls are expressly declared to be subject to punishment by the law of the country in which they reside. By the consular convention with France in 1788, there is to be full and perfect immunity concerning the chancery and its papers, but the house of the consul is to be no asylum for persons or effects; and in our other treaties, the most that is stipulated in favour of consuls is, that they shall respectively enjoy the same prerogatives and powers that are granted to those of the most favoured nations. Those treaties afford a strong proof of the usages of nations, for it cannot be supposed, that they should have omitted to secure consuls from criminal prosecutions, if it had been thought desirable or usual, to afford them that protection. But there is not wanting more direct proof of the opinion of our own government. In the "act for the punishment of certain crimes against the United States," passed April 30, 1790, penalties are inflicted on persons who sue out process from any court against an ambassador or other public minister; but the act is silent as to consuls. And what is directly to the point, the 9th sect. of the "act to establish the Judicial Courts of the United States," passed Sept. 24, 1789, vests the district courts with jurisdiction of offences committed by consuls, in which the punishment did not exceed a fine of 100 dollars, &c. &c. Neither are we left, on this important subject, without the light of judicial decision. Mr. Ravara, consul from Genoa, was indicted and convicted of a misdemeanor in the circuit court of the United States. He was defended by able counsel, who contended for his privilege, on the authority of Vattel. But the court decided against him, and it is worthy of remark, that C. J. Jay presided, who had been long employed in a diplomatic function of a high grade at the court of Madrid, and was one of the ministers of the United States, who negociated at Paris the treaty which established our independence. No person certainly had better opportunities of knowing the usage of nations, or a better capacity for improving those opportunities. From all these considerations, I cannot hesitate in the opinion, that there is nothing in the law of nations which protects the consul-general of Russia from this indictment.

2d. A more difficult question remains to be considered. Is the jurisdiction of this court taken away by the constitution and laws of the United States. Before I go into an examination of the constitution and laws, it may not be improper to say a word or two respecting the subject out of which this question arises. An agent of a foreign government, accused of a crime committed in the state of Pennsylvania, claims not an exemption from trial, but the right of being tried by a court of the United States. His public relations are not with the state of Pennsylvania, but with the government of the United States, and if the emperor of Russia should suppose that he had cause to complain of our treatment of his officer, he must address himself, not to the governor of Pennsylvania,

but to the President of the United States. But even where there was no cause of complaint, cases may be easily supposed, in which the President might think it more conducive to the peace of the nation to send a foreign agent out of the country to be punished by his own sovereign, than to inflict punishment on him, by our own laws. These considerations are so manifest, that when the people of the United States were about to form a federal government, through which alone they were to maintain an intercourse with foreign nations, it would have seemed a want of common prudence, not to commit to that government the management of all affairs respecting the public agents of those nations. Let us now advert to the instrument of our federal union, and we shall soon perceive, that the statesmen who framed it, were perfectly aware of the importance of placing all foreign public agents, consuls included, under the complete superintendance of the federal government. It was through the judicial power, that those persons could principally be affected. Accordingly we find it provided by the 2d sect. of the 3d art. of the constitution, that the judicial power shall extend "to all cases affecting ambassadors, other public ministers, and consuls"—words more comprehensive cannot be devised. They include suits of every kind, civil, and criminal. This is not denied by the attorney general of Pennsylvania, nor, as I understand, is it denied, that by virtue of this provision, Congress has a right to declare by law, that in no case civil or criminal, should a state court have jurisdiction over a consul. But it is contended, that until Congress does by law declare so, the state courts have concurrent jurisdiction with the courts of the United States; or rather, that in the case before us, the state courts alone have jurisdiction, because Congress having passed no law defining the crime, or the punishment of rape, the courts of the United States cannot take cognizance of the offence. The constitution in the 1st sect. of the 3d article, declares in what courts the judicial power shall be vested, viz. in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. In the 2d sect. it enumerates the different cases to which the judicial power shall extend, and then goes on to direct the distribution of that power among the different courts, "In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have *original* jurisdiction. In all the other cases before mentioned, the supreme court shall have *appellate* jurisdiction, both as to law and facts, with such exceptions, and under such restrictions as the Congress shall make." Thus the judicial power, extending to all cases affecting consuls, and that portion of it which respects consuls being vested in the supreme court, it follows, that as soon as the supreme court was organized by law, it became immediately vested with original jurisdiction in every case in which a consul might be affected. But was this an exclusive jurisdiction? The opinion of the supreme court, in Marbury *v.* Madison, 1 Cranch 137, goes far towards establishing the principle of exclusive jurisdiction. The point decided in that case, was, that where the constitution had vested

the supreme court with appellate jurisdiction, it was not in the power of Congress to give it original jurisdiction, and the whole scope of the argument maintained in the court's opinion goes to prove, that where the constitution had given original jurisdiction, it was not in the power of Congress to give appellate jurisdiction. This will appear from the following extract from that opinion. If Congress remains at liberty to give this court appellate jurisdiction where the constitution has declared their jurisdiction shall be original, and original jurisdiction where the constitution has declared it shall be appellate, the distribution of jurisdiction made in the constitution, is form without substance. Affirmative words are often in their operation *negative* of other objects than those affirmed, and in this case, a negative or *exclusive* sense must be given to them, or they have no operation at all. If the solicitude of the convention "with respect to our peace with foreign powers, induced a provision that the supreme court should take *original* jurisdiction in cases which might be supposed to affect them; yet the clause would have proceeded no further than to provide for such cases if no further restriction on the power of Congress had been intended. That they should have *appellate* jurisdiction in *all other* cases, with such exceptions as Congress might make, is no restriction unless the words be deemed exclusive of original jurisdiction."

Now, taking this to be the construction of the constitution, all those parts of the "act to establish the judicial courts of the United States," which vest jurisdiction in cases affecting consuls, in the district or circuit courts, would be unconstitutional, and void; and if it was intended by the constitution, that no inferior court of the United States should have jurisdiction, it cannot be supposed that the state court was to have it, because there are much stronger reasons for denying it to the state courts, than to the inferior courts of the United States. It will be perceived that the principle shakes the decision in the case of Ravara who was convicted in the circuit court, though not that part of the decision which respects the privileges of a consul. But if the two cases cannot be reconciled, the circuit court must give way. Supposing however, for argument sake, that the constitution does not vest the supreme court with *exclusive* jurisdiction, let us see whether Congress has not excluded the states' courts by the judiciary act, passed 24th September, 1789. By the 9th section, the district courts are vested *exclusively of the courts of the several states*, with cognizance of "all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding 100 dollars, or a term of imprisonment not exceeding six months, is to be inflicted." Consuls are embraced in this jurisdiction, as plainly appears by considering the whole section, and as was declared by the court in *Manhardt* v. *Soderstrom*, (1 Bin. 138.) Then comes the 11th section by which the circuit courts are vested with *exclusive cognizance* of "all crimes and offences cognizable under the authority of the United States, except where the said act otherwise

provides, or the laws of the United States shall otherwise direct, current jurisdiction with the district courts, of the crimes and offences cognizable therein." Does not this exclude the state courts from jurisdiction in the case of consuls.

The only argument attempted, or that can be devised in support of the negative, is, that no offence is cognizable in any court of the United States until Congress has declared it to be an offence, and prescribed the punishment. This is the only consideration which ever had the least weight in my mind—but upon mature reflection, I am unable to deny, that the courts of the United States can take cognizance, when I find it written in the constitution *that the supreme court shall have jurisdiction in all cases affecting a consul.*—Is he not affected in criminal cases much more than in civil. How then can I say that the supreme court has no jurisdiction? But how, or by what law is he to be punished in case of conviction? Shall he be punished by the law of Pennsylvania where the offence was committed, in as much as there is no other express law which reaches his case, and it is on account of the *person only* that jurisdiction is given to the courts of the United States? Does the 34th section of the judiciary act apply to the punishment of offences, by which it is enacted, "That the laws of the several states, except where the constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States, in cases where they apply?" May a person convicted in a court of the United States, of a crime of the highest grade, concerning which Congress has made no provision, be punished according to the opinion of Judge Story, in the *United States* v. *Coolidge*, by fine and imprisonment, on the principles of the common law? 1st Galleson's Rep. 488. Or is the constitution to be so construed as to exclude the jurisdiction of all inferior courts, and yet suffer the authority of the supreme court to lie dormant, until called into action by a law which shall form a criminal code on the subject of consuls? These are questions which may embarrass those who have to answer them, but are not necessary to be answered here. No embarrassment however, could equal that into which this court would be thrown, should it determine that no court of the United States has jurisdiction in a case which affects a consul *in every thing short of life*, when the constitution declares that the supreme court shall have jurisdiction *in all cases affecting him.* Upon full consideration, I am of opinion that the indictment should be quashed, because this court has no jurisdiction.

Justice Brackenridge concurred on the second ground, declining to give any opinion on the first, as he did not deem it necessary.

From the New Orleans Gazette of April 30.

LAW DECISION.

United States District Court, Louisiana District.—Present, the Hon. Dominick A. Hall.

HEIRS OF LIVINGSTON AND FULTON,
vs.
JOHN CROMWELL, GEORGE SHIRAS AND OTHERS.

Last week an incidental point

was ruled in a series of cases, which have excited much interest, and involved a question supposed, and we believe justly, to be of great importance to the commerce of the states and territories of the west, to the navigation of the Mississippi and its tributary streams. We have been favoured with a copy of the opinion of his honour Judge Hall, delivered in one of the cases in question, which we take great pleasure in laying before our readers, together with a brief sketch of such proceedings in relation to the subject as we are acquainted with.

In the year 1811 the legislature of the then territory of Orleans granted to Messrs. Robert R. Livingston and Robert Fulton, their heirs, &c. "the sole and exclusive right and privilege to build, make, use, employ and navigate all and every kind or species of boats or vessels or water craft, which may be urged or impelled through the water by the force of fire or steam, in all creeks, waters, &c. within the jurisdiction of the said territory, for and during the full term of eighteen years from and after the 1st day of January then next ensuing." To this grant certain conditions were annexed, which the grantees were required to comply with; and it was provided also "that any person or persons, whosoever, without being properly authorised by the said Livingston and Fulton, or their heirs, &c. who should make, use, employ or navigate any boat or water craft, which should or might be urged, &c. through the water by the force of fire or steam, within the jurisdiction of said territory, should for each and every offence, forfeit and pay the said Livingston and Fulton, their heirs, &c. $5000, and should also forfeit to the said Livingston and Fulton, all such boats or water craft, together with the steam engine and all apparatus thereof."

Under this privilege Messrs. Livingston and Fulton, in the year 1812, commenced running steam boats on the Mississippi, which they have continued successfully ever since—but not without rivals, or free from interruption or interference in the enjoyment of the exclusive privilege, which they derived from the territory of Orleans, and which they now hold under the state of Louisiana. About the time or soon after the time when Messrs. Livingston and Fulton commenced their operations, several steam boats were built upon the western waters, and in the necessary course of trade found their way to New Orleans: there they were denounced as intruders by those interested in the privilege of Messrs. Livingtcn and Fulton. To these uncourteous denunciations the strangers of the west answered in the tone of defiance, and immediately the artillery of the bar was marshalled on the sides of the respective combatants. For some time the contest was carried on in the state courts with various success: from thence it was recently removed to the United States court, where the defendants in the present action, with several others, were prosecuted for the penalties accruing under the privilege, and ordered to be held to bail—some not being able to find security were confined in prison.

It was moved that the bail should be released in the cases in which it had been given, and that such of the defendants as were in prison should be discharged.

As the points taken by the coun-

sel for the parties are examined by the judge, it is unnecessary to detail their arguments at length.

The case on the part of the defendants was opened by Mr. Dick, who contended that the court had no jurisdiction.

1. Because neither of the parties are citizens of the state in which the suit is brought; the plaintiffs declaring as citizens of New York, and the defendants being designated as citizens of Kentucky.

That this point depended on the constitution and laws of the United States—the limits of the judicial authority which congress can confer on the courts which they may ordain and establish are designated in the 2d sec. of the 3d art. of the constitution. But as the district and circuit courts owe their organization to, so they derived their power immediately from congress. Their authority being thus limited, the judicial act must be sought in order to determine its extent, and ascertain its boundaries. By the 11th section of that act the circuit courts have original cognizance of civil suits in three cases only. 1. Where the United States is plaintiff; 2d. Where an alien is a party; and 3d. Where the suit is between a citizen of the state where the suit is brought, and a citizen of another state. In support of these positions, all the decisions of the supreme court touching questions of jurisdiction were cited.

2. Because the plaintiffs claim under a special and private act of the state of Louisiana, derived from its sovereignty, and solely cognizable by its courts.

Mr. Duncan and Mr. Hawkins followed on the same side.

On the part of the plaintiffs, Mr. Grymes and Mr. Winston contended:

1. That the judicial authority vested in the courts of the United States was derived immediately from the constitution, and that congress could no more abridge than enlarge it.

That by the constitution it was declared that the judicial powers of the United States shall extend to controversies "between citizens of different states," and that the present parties stood in these relations.

2. That the right accruing to the plaintiffs under the state act was a civil right, remedial in any court having jurisdiction between the parties.

After taking some time to consider upon the important question raised at the bar, Judge Hall pronounced the following

DECISION.

This is a motion to discharge the bail ordered in this case, on the ground of want of jurisdiction and for other causes. If it shall appear in the course of the examination of the subject, that the court has no jurisdiction, I shall dismiss the suit.

It is contended, that the 11th section of the Judiciary act gives this court cognizance of cases between citizens of different states, *only* where the suit is between a citizen of the state where the suit is brought, and a citizen of another state—the plaintiffs and defendants are citizens of different states, but neither are citizens of this state; it is therefore concluded that this action cannot be maintained. In answer to this, it is said, first, that in the same section it is declared, "that no civil suit shall be brought before either of the said courts against an inhabitant of the United States in any other district than that whereof he is an inhabitant, or in which he may be found at the time of serving the writ;"

from which it is inferred that any inhabitant of the United States may be sued wherever he may be found: It is said secondly, that the constitution of the United States having declared that "the judicial power shall extend to controversies between citizens of different states," congress had no right to restrain or limit the jurisdiction, and this court may exercise all the judicial power granted by the constitution.

I shall consider the second point first.

It appears clearly to have been the opinion of the judges of the United States, ever since the formation of the constitution and the judiciary laws, that, excepting a few cases of *original* jurisdiction, given the supreme court by the constitution, the disposal of the judicial power belongs to congress. This is the language of Judges Elsworth and Chase, in 4th Dallas: "If *congress* has given the power to this court, we possess it—not otherwise; and if congress has not given the power to this court, or to any other court, it still remains at the legislative disposal." "Besides, congress is not bound, and it would perhaps be inexpedient to enlarge the jurisdiction of the federal courts to every subject which the constitution might warrant." Without this construction, I do not see how the judicial power of the United States could be exercised. By the constitution, congress has power to establish tribunals inferior to the supreme court, and the judicial power is vested in the supreme court and in such inferior courts as congress may from time to time ordain and establish. But the whole judicial power is not given to each court; portions of *that power* are to be distributed to the different tribunals that may be established—to parcel out the power is the duty of congress, and the particular jurisdiction so distributed to the particular court, is the only one that can be exercised by it. Congress has performed this duty as far as it has deemed it expedient to use the power.

In the case of Bolman, it is stated by the chief justice, that it is incumbent on the counsel, in order to maintain their motion, to prove that the issuing of the writ of habeas corpus is an act within the powers of the supreme court in its original jurisdiction, that is, the power directly given to it by the constitution; or that in its *appellate* capacity, the power is expressly given by the law of congress. Now, as it is not pretended that this jurisdiction is expressly given to the *circuit* courts *exclusively*, by the constitution, it would appear from the reasoning of the chief justice, that it is incumbent on the plaintiff to show that it is given by some act of congress. In the case of Sere *v.* Pitot, the chief justice, in reasoning on the question of jurisdiction in the Orleans district court, mentions some of the cases in which the circuit courts of the United States have jurisdiction, and of what cases the circuit court of Orleans would be deprived, if the restricted construction of the act of congress establishing its jurisdiction should prevail.

The circuit courts of the United States have cognizance of cases where an *alien* is a party, or the suit is between a citizen of a state *where the suit is brought* and a citizen of another state; the judge observes, "the court of Orleans would have no jurisdiction of a suit brought by or against a *citizen of one state against the citizen of another state*, because *neither party would be a citizen of the state* in

which the court *sat:* But this would not follow according to the reasoning of the plaintiffs' counsel, it not being essential, they contend, that either should be a citizen of the state where the court sits. From this observation of the chief justice, it appears clearly to have been his opinion, that it is necessary, in the circuit court, between citizens of different states, that one of the parties to the suit should be a citizen of the state, *where the suit is brought*—but, there is a case in which it is not necessary in order to give jurisdiction, that either of the parties should be a citizen of the state where the suit is brought—that is the case included in the latter part of the 11th section—"a suit brought by an alien against a citizen who may be found in any district." Thus we find that all parts of the 11th section of the act are perfectly consistent—where citizens of different states sue, one party must be a citizen of the state where the suit is brought; but the alien may sue a citizen wherever he may be found. Let me ask upon what principle is the law so established? The answer is obvious—the principal motive for giving federal jurisdiction is, to secure aliens and citizens from local prejudices: But, there is no danger of local prejudices where both parties are citizens of states other than where the suit is brought—they are both indifferent; and therefore there is no danger that the state courts would be partial to either. But the constitution and law apprehend partiality where one of the parties is a citizen of the state *where the action is brought* —and therefore gives the federal courts cognizance of the cause. So in the case of an alien—this privilege is given to him solely on the score of his alienage; to satisfy foreign nations we declare, that an alien may sue in the *national* courts any of our citizens wherever they may be found. From the above reasoning it appears to me that the spirit of the constitution is complied with in the grant of jurisdiction to the circuit courts. Congress has given cognizance of controversies between citizens of different states, confining it, as they certainly had a right to do, to such cases as were contemplated by the constitution—that is, to cases where there would be any danger arising from the influence of local laws and prejudices. This not being such a one, it is not included in the grant, and this court deriving its jurisdiction immediately from the judiciary act, cannot take cognizance of this case.

UNITED STATES *v.* WILLIAM BAINBRIDGE.

Circuit Court, Massachusetts District.—June 22, 1816.

Habeas Corpus to Com. Bainbridge, to bring up the body of Robert Treadwell, an infant of the age of twenty years and about eleven months. By the return of the habeas corpus and other proceedings, it appeared that he was born at Ipswich, on the 2d day of August, A. D. 1795; that in the month of May, 1815, he enlisted into the navy of the United States, to serve two years; that soon after his enlistment he deserted from the service, and having been apprehended, was, on the 19th day of June last past, brought to trial on the charge of desertion, before a regular court martial, and having pleaded guilty to the charge, was, by the sentence of the court, among other things, ordered to

serve in the navy of the United States, the term of two years from the said nineteenth day of June, and to forfeit all the wages then due to him. He has a father who is still living, and now absent at sea; and previous to his departure sued out a habeas corpus for the liberation of his son, but it failed from the return of the officer to whom it was directed, that the infant was not in his custody. It was alleged in the affidavits and petition, that the enlistment was without the consent of his father.

The cause was argued by Simmons in behalf of the petitioner, and Aylwin in behalf of Com. Bainbridge,—Story, Judge. The first question is, whether the contract of enlistment, supposing it to have been made without the consent of the father, is valid or not. By the common law, the father has a right to the custody of his children during their infancy. In whatever principle this right is founded, whether it result from the very nature of parental duties, or from that authority which devolves upon him by reason of the guardianship, by nature of nurture, technically speaking, its existence cannot be brought into controversy. (Ex parte Hopkins 3 P. W. 151. Co. Litt. 88. and Hargrave's Notes. Rex *v.* De Manneville, 5 East, 222; De Manneville *v.* De Manneville, 10 Vez. jr. 52. 1 Bl. Com. 452. 461.) This right, however, is not unlimited, for whenever it is abused by improper conduct on the part of the parent, courts of law will restrain him in its exercise, and even take the custody permanently from him. (Archer's case, 1 Ld. Raym. 673. Rex *v.* Smith, 2 Str. 982. Rex *v.* Delaval, 3 Burr. 1434. Commonwealth *v.* Addicks 5 Binn. R. 520.) By the common law, also, a father is entitled to the benefit of his children's labour, while they live with him and are maintained by him; but this, (as has been justly observed) is no more than he is entitled to from his servants. (1 Bl. Com. 453.) It has also been asserted, that, by the same law, a father may bind his children as apprentices, without their consent, and thereby convey the permanent custody of their persons, as well as benefits of their labour, to their masters during their minority. (Com. Dig. 'Justices of the peace,' B. 55.) But notwithstanding the aid of very respectable authorities, (Day *v.* Everett, 7 Mass. R. 145. Matter of M'Dowles, 8 Johns. R. 328.) it may well be doubted if this doctrine can be supported to the extent in which it is laid down. The custody of minors is given to their parents for their maintenance, protection, and education, and if a parent overlooking all these objects, should, to answer his own mercenary view, or gratify his own unworthy passions, bind his child as an apprentice upon terms evidently injurious to his interests, or to a trade or occupation which should degrade him from the rank and character to which his condition and circumstances might entitle him, it would be extremely difficult to support the legality of such a contract. (See Rex *v.* Kepple, 2 Dall. 197. The King *v.* Inhabitants of Cromford, 8 East. R. 25.) And it would be a strong proposition to maintain, that a father might, in a time of war, upon the mere footing of the common law, enlist his son as a common soldier in the army, or as a common seaman in the navy, without his consent, and compel him to serve during the whole period of his minority, without a

right to receive to his own use any of the earnings of his laborious and perilous course of life. In such a contract there would not be even a semblance of benefit to the minor. It is not, however, necessary to decide these points; and they are commented on merely in answer to some suggestions at the bar. Be the rights of parents, in relation to the custody and services of their children, whatever they may, they are rights depending upon the mere municipal rules of the state, and may be enlarged, restrained, and limited as the wisdom or policy of the times may dictate, unless the legislative power be controlled by some constitutional prohibition.

The constitution of the United States has delegated to Congress the power "to raise and support armies," and to "provide and support a navy," and independent of the express clause in the constitution, this must include the power to "*make all laws which shall be necessary and proper for carrying into effect the foregoing power.*" It is certain that the services of minors may be extremely useful and important to the country, both in the army and navy. How many of our own brilliant victories have been won by persons on land and at sea, who were scarcely past the age of manhood! In the navy, in particular, the employment of minors is almost indispensable. Nautical skill cannot be acquired but by constant discipline and practice for years in the sea service; and unless this be attained in the ardour and flexibility of youth, it is rarely at a later period the distinguishing characteristic of a seaman. It is notorious, that the officers of the navy generally enter the service as midshipmen as early as the age of puberty; and that they can never receive promotion to a higher rank, until they have learned by a long continuance in this station, the duties and the labours of naval warfare —and, to this early discipline and experience, as much as to their gallantry and enterprize, we may proudly attribute their superiority in the contests on the ocean during the late war. It cannot, therefore, be doubted, that the power to enlist minors into the naval service is included in the power delegated to Congress by the soundest principles of national policy. And if this exercise should sometimes touch upon supposed private rights, or private convenience, it is to be enumerated among the sacrifices which the very order of society exacts from its members, in furtherance of the public welfare.

The position asserted at the bar, denying Congress the power of enlisting minors without the consent of their parents, is not a little extraordinary. It assumes as its basis, that a granted power cannot be exercised in derogation of the principles of the common law —a construction of the constitution which would materially impair its vital powers, and overthrow the best settled rules of interpretation. Can there be a doubt that the state legislature can, by a new statute, declare a minor to be of full age, and capable of acting for himself at fourteen instead of twenty-one years of age? Can it not emancipate the child altogether from the control of its parents? It has, already, in the case of paupers, taken the custody from the parents, and enabled the overseers of the poor to bind out the children as apprentices or servants during their minority without consulting the wishes of the

parents, (act 26th Feb. 1794, s. 4.) It has, without the consent of the parents, obliged minors to be enrolled in the militia, and to perform military duties, and although these duties are, in time of peace, but a slight interference with the supposed rights of parents, yet they may, in time of war, expose the minors to the constant perils and labours of regular soldiers; and altogether deprive their parents of any control over their persons or services. In time of war too, the state may, for its defence, establish and maintain an army and navy; and it would be a strange and startling doctrine, that the whole youth of the state might, unless the consent of their parents could be previously obtained, be withheld from the public service, whatever might be the pressure of the public dangers or necessities. And if the state legislature could in their discretion abrogate or limit the paternal authority, it might be for precisely the same reasons that the national legislature could do it, in that it was necessary or proper to carry into effect some other granted powers. It has been very justly observed, in a work of the very best authority, (The Federalist, No. 44.) that no maxim is more clearly established in law or in reason, than that whenever the *end* is required, the *means* are authorised; whenever a general power to do a thing is given, every particular power necessary for doing it, is included. And I feel no scruple in affirming, that Congress, having authority to provide and maintain a navy, may constitutionally authorise the enlistment into the naval service of any minors, independent of the private consent of their parents; and the statutes passed for this purpose, will be emphatically the supreme law of the land. Nor is the exercise of this power novel in the institutions of that country from which we have borrowed most of the principles which regulate our civil and political rights.—It has even been pushed to an extent which is not only odious, but has become in a great degree subversive of the personal liberty of a large class of meritorious subjects. Minors may not only be enlisted into the British navy, without the consent of their parents, but may be forcibly impressed into it, against the joint consent of their parents and themselves. And even apprentices, regularly bound by contract, are not, except in special cases and for a limited time, prescribed by statute, exempted from the like impressment. The King *v.* Reynolds, 6 T. R. 497. The King *v.* Edwards, 7 T. R. 745. Exparte Softly, 1 East. R. 466. Exparte Brocke, 6 East. R. 233. Stat. 13 Geo. 2. ch. 18.)

Much has been stated in the argument in reference to what contracts of infants are void, and what are voidable of the common law. There is in the books considerable confusion on this subject, which has not been entirely removed by the learned discussions in Zouch *v.* Parsons, (3 Burr. 1794.) The distinctions laid down in another case by Lord Chief Justice Eyre, seem founded in solid reason, viz. that when the court can pronounce that the contract is for the benefit of the infant, as for instance, for necessaries, then it shall bind him; where it can pronounce it to their prejudice, it is void; and that when it is of an uncertain nature, as a benefit or prejudice, it is voidable only, and it is in the election of the infant to affirm it or not. Keane *v.* Boycott, 2 H. Bl.

511. It is a material consideration also, that the validity of the infant's act or contract is, in point of law, independent of the right of custody in his parent, although this may be an ingredient in ascertaining in point of fact, whether the act or contract be for his benefit or not. In short, the disabilities of an infant are intended by law for his own protection, and not for the protection of the rights of third persons, and his acts may, therefore, in many cases be binding upon him, although the persons under whose guardianship, natural or positive he then is, do not assent to them. The privilege too of avoiding his acts or contracts when they are voidable, is a privilege personal to the infant, and which no one can exercise for him. Keane *v.* Boycott, 2 H. Bl. 511. And whenever any disability, created by the common law, is removed by the enactment of a statute, the competency of the infant to do all acts within the purview of such statute, is as complete as that of a person of full age. And whenever a statute has authorised a contract for the public service, which, from its nature or objects, is manifestly intended to be performed by infants, such a contract must, in point of law, be deemed to be for their benefit and for the public benefit, so that, when *bona fide* made, it is neither void nor voidable, but is strictly obligatory upon them. I say *bona fide* made, for if there be fraud, circumvention or undue advantage taken of the infant's age or situation by the public agents, the contract could not, in reason or justice, be enforced. It would be strange indeed if courts of law could judicially hold contracts to be void or voidable, which the legislature should deem salutary or essential to the public interests, or pronounce them invalid, because entered into by the very parties who were within the contemplation of the law. From these more general considerations, we may now pass to the question, whether the laws of the United States authorise the enlistment of minors into the navy, without the consent of their fathers? All the acts from the first establishment of the navy, authorise the employment of midshipmen, who are invariably minors when they enter the service; and all the acts since the statute of 30th of June, 1798, ch. 81. including those now in force, under which the present applicant has been enlisted, and held in service, in express terms, authorise the President to engage and employ "*boys*" in the ordinary duties of the navy. In no one of them is there any provision requiring the consent of parents or guardians to their engagements, or authorising them to make it. (See act of 30th of June, 1798, ch. 81; of 21st of April, 1806, ch. 35; of 3d March, 1807, ch. 35; of 31st January, 1809, ch. 78; and of 2d January, 1813, ch. 148.) The laws manifestly contemplate that it is a personal contract, made by the infants themselves for their own benefit.

They are entitled to the pay, the bounties and the prize money earned and acquired in the service. This is not denied in the argument; and if the laws be so, then they must by necessary implication give a capacity to the infants to make such a contract, and when made, assert its legal validity. Upon any other supposition, the whole objects of the legislature would be defeated. For if the contract of the infant made without the assent of his parent

was void, or voidable, that assent could not, by the mere operations of the common law, change its character. A contract, voidable by the common law, cannot be confirmed or avoided by any assent or dissent of the parent thereto. It is binding or not, solely at the election of the infant himself; and if the contract be void, it is incapable of being set up by any person. To suppose that the legislature meant to authorise an infant to enlist in the navy, and yet that the contract should be voidable at his election, would be to suppose that it meant to repeal the rules and articles of the navy in his favour; and enable him to desert, when his services were most important to the public.

If indeed, the acts of Congress had authorised parents or guardians to bind their minor children to an apprenticeship or servitude in the navy, a valid contract might then have been made by such parents or guardians. But there is no such authority in the acts; nor am I satisfied that it ever existed at the common law; and if it ever did, the statute of Massachusetts of 20th of February, 1795, ch. 64, seems to have restrained the exercise of that power to the cases and the manner specified in that statute. A different doctrine has indeed been held, but it seems to me extremely difficult to be maintained, Day *v.* Everett, 7 Mass. R. 145; and in a case depending upon similar principles of construction, the opposite doctrine has been established in another court. Ex parte, M'Doule, 8 John. R. 328.

Upon the whole, as Congress have authorised "boys" to be engaged in the service of the navy, without requiring the previous consent of their parents to the contract of enlistment, that contract, when fairly made with an infant of reasonable discretion, must be deemed to have a semblance of benefit to him, to be essential to the public welfare, and therefore binding to all intents and purposes; and, if it were not so binding, but were voidable, even the consent of parents could not infuse into it any further validity. This construction of the acts respecting the naval establishment is confirmed by the general practice in that department; and by the consideration, that, in the acts respecting enlistments in the army, a proviso was for a long time inserted, "that no person under the age of 21 years, shall be enlisted by any officer, or held in the service of the United States, without the consent* of his parents, guardian, or master, first had and obtained, *if any he have*," (see act of 16th of March, 1802, ch. 9; of 11th January, 1812, ch. 14; and of 20th January, 1813, ch. 154.) And at length the necessities of the public service were such, that the enlistment of minors over eighteen years of age into the regular army was expressly authorised; and the proviso of the act of 20th January, 1813, ch. 154, which required the previous consent of their parents, guardians, or masters, was expressly repealed by the act of 10th December, 1814, ch. 10. This course of legislation manifestly shows, that whenever the rights of parents were intended to be saved, a special proviso was uniformly introduced for that purpose. The decisions of two very respectable state courts, which have been cited at the bar, so far as they go, proceed on the same principles

* "In writing," is added to the acts of 1812 and 1813.

which have been adopted by this court, and are entitled to great weight. (Commonwealth *v.* Murray, 4 Binney's R. 487. Ex parte Emanuel Roberts, 2 Hall's Amer. Law Journ. 192.) The decisions of our own state court which have been cited on the other side, are inapplicable, for they turn altogether upon the meaning and extent of the proviso in the army act of 1813, ch. 154. It is not now necessary to consider how far a state court has jurisdiction to discharge a person, who by the return of the habeas corpus is shown to be enlisted under a contract with the United States. Whenever that question shall arise, it will deserve very grave consideration. See ex parte Roberts, 2 Hall's Law Journal, 192. Ferguson's case, 9 Johns. R. 239. Martin *v.* Hunter, Sup. Court of the U. S. February Term, 1816.) But with great deference to the learned judges, I have never been able to bring my mind to assent to the construction put upon the act of 1813, in some of the cases in the Massachusetts Reports. (Commonwealth *v.* Cushing, 11 Mass.) The view which has been taken upon the general question as to the validity of the contract of enlistment, renders it unnecessary to consider the 2d point made in this case, viz. how far an infant can by disaffirming his contract of service, avoid the punishment which has been regularly adjudged against him by the sentence of a court martial for a crime committed by him—the whole proceeding and sentence having been pronounced while the contract was in force. If it had become necessary in this case, to ascertain whether there had been any consent of the father, I should have thought it necessary to have required more explicit affidavits, than have been made, and a peremptory denial of assent on the part of the father, as well as a special statement of facts as to the mode of life and place of residence of the minor, previous to his enlistment. For an assent of the father need not be expressed, but may be implied from circumstances. If a father should voluntarily send his minor children away from home, to obtain a maintenance and support in any manner that they could, this would be an implied consent to any contract for that purpose, into which they should enter, and a waiver of his parental rights. It is upon this ground that the ordinary retainer of servants, who are minors, is held valid, against the subsequent acts of the father. In strictness of law, the contract of the minor in such cases becomes obligatory, because, being exiled from his father's house, whatever contract he forms, is in an enlarged sense, necessary for his support, maintenance or education. I am of opinion that Robert Treadwell, the minor, ought to be remanded to the custody of his commanding officer.

Note. It was the opinion of the district Judge, that the consent of the parent or guardian, where there is one, is necessary, either expressed or implied, to authorise the engagement of a minor in the naval service; but he concurred in the order to remand the said Robert to the custody of his commanding officer, on the special circumstances of the case.

MANDAMUS QUESTION.

Court of Appeals,—Virginia.

Hunter *v.* Martin, on a mandate from the Supreme Court of the United States.

OPINION OF JUDGE CABELL.

This was, originally, an ejectment brought by David Hunter against Denny Fairfax, in the Winchester district court, for a tract of land lying in that part of Virginia commonly called the Northern Neck. In that court, the parties, by their counsel, agreed a case which it is deemed unnecessary to set forth at large. It will be sufficient to observe, that, upon the case agreed, it was contended, on the part of those claiming under Lord Fairfax, that Lord Fairfax being a citizen of this commonwealth, and seized in absolute fee-simple of the lands in controversy, died in Dec. 1781, having devised his lands in the Northern Neck, including those in controversy, to Denny Fairfax, who, it was admitted, was born in England, in the year 1750, and had never become a citizen of Virginia, or of any of the United States. That the said Denny Fairfax was capable of taking and holding the lands devised to him, until divested by an inquest of office or some equivalent act; and that no such act had taken place prior to the treaty of peace made and concluded between Great Britain and the United States of America, which, it was further alleged, protected his property and released any supposed right of the commonwealth to the lands in question.

On the part of Hunter it was contended, that Denny Fairfax, being at the time of the devise aforesaid, and ever after, an alien, was incapable of holding lands in this commonwealth; that admitting an inquest of office to have been necessary under the *general* laws as applying to ordinary cases, the several acts of assembly stated in the case agreed, respecting the mode of acquiring titles to certain lands in the Northern Neck, were equivalent thereto and supplied the place thereof in relation to such lands, and justified the grant thereof, made by the commonwealth to Hunter on the 30th of April, 1789.

The district court of Winchester, on the 24th of April, 1794, gave judgment upon the case agreed, for Fairfax, whereupon, Hunter appealed to this court, and Denny Fairfax having died, the appeal was revived against Philip Martin, his heir at law and devisee.

The cause was argued in May, 1796, and re-argued in October, 1809; and judgment was rendered on the 23d April, 1810, reversing the judgment of the district court. The entry on the order book then proceeds:—" And this court proceeding to give such judgment as the said district court ought to have given, is of opinion, that the law arising on the case agreed in this cause, is for the appellant;" and judgment was accordingly entered for him.—From Mr. Munford's report of this cause, however, it appears that the two Judges who decided it were divided in opinion as to the effect of the several acts of assembly, and the treaty of peace set forth in the case agreed, which division of the court would have amounted to an affirmance of the judgment of the district court. But the court adverting to the act of compromise of the year 1796 (see sess-acts of 1796, and appendix to the 2d vol. Rev. Code, p. 71.) between the commonwealth, and the purchasers under Denny Fairfax, by which the purchasers, in consideration of a release by the commonwealth of its claim to " any land specifically appropriated by Lord Fairfax to his own use, either by

deed or actual survey," agreed to release to the Commonwealth "all claim to lands supposed to lie within the Northern Neck, which *were waste and unappropriated* at the time of the death of Lord Fairfax:" and it being admitted by the case agreed, that the lands in question were of this last description, and it appearing moreover that the purchasers had actually *availed themselves* of the said compromise, by reversing two judgments in favour of the commonwealth, and both Judges concurring in opinion, *on the ground of the compromise;* the judgment of the district court was reversed, and judgment was entered for the appellant Hunter.

To this judgment, Fairfax's devisee obtained a writ of error from the supreme court of the United States, under the 25th section of the act of Congress, passed the 24th Sept. 1789, (1st vol. Laws of the U. S. p. 63.) which declares "That a final judgment or decree in any suit, in the highest court of law or equity of a state, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or, where is drawn in question the validity of a statute of, or an authority exercised under, any state, on the ground of their being repugnant to the constitution, treaties or laws of the U. S. and the decision is in favour of such their validity, or where is drawn in question the construction of any clause of the constitution, or of a treaty or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption specially set up or claimed by either party under such clause of the said constitution, treaty, statute, or commission, may be re-examined and reversed or affirmed in the supreme court of the United States upon a writ of error, the citation being signed by the chief justice, or judge, or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the supreme court of the United States, in the same manner and under the same regulations; and the writ shall have the same effect, as if the judgment or decree complained of, had been rendered or passed in a circuit court, and the proceeding upon the reversal shall also be the same, except that the supreme court, instead of remanding the cause for a final decision as before provided, may, at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before mentioned questions of validity or construction of the said constitution, treaties, statutes, commissions or authorities in dispute."

The record having been carried by this writ of error into the supreme court of the United States, that court reversed the judgment of this court, and affirmed that of the district court of Winchester, and ordered the cause to be remanded to this court "with instructions to enter judgment for the appellant Philip Martin." By the mandate directed to this court, and reciting the judgment of the supreme court of the United

States, the judges of this court are "commanded that such proceedings be had in the said cause, as, according to right and justice, and the laws of the United States, and agreeably to said judgment and instructions of said supreme court ought to be had."

When the mandate was presented to the court, doubts were suggested whether the case comes within the intent and meaning of the provisions of the act of Congress aforesaid, and admitting it does come within them, whether the provisions themselves are authorised by the constitution of the United States. The suggestion of these doubts was followed by an argument from the bar, elaborate, able, and profound. According to the view which I have taken of the subject, however, I do not deem it necessary to give an opinion on all the points presented in the argument.

I shall not inquire whether this is such a case as is contemplated by the act of Congress; I shall proceed upon the admission that it is so; that it is the case of a final judgment, in the highest court of a state, in which a decision in the suit could be had; that the record shows that the construction of a treaty has been directly drawn in question, and that the decision has been against the title set up or claimed by one of the parties, under that treaty. In such a case, has the Congress of the United States a right, under the federal constitution, to confer on the supreme court of the United States, a power to *re-examine, by way of appeal or writ of error, the decision of the state court; to affirm or reverse that decision; and in case of reversal, to command the state court to enter and execute a judgment different from that which it had previously rendered.* I am deeply sensible of the extreme delicacy and importance of this question. I have diligently examined it according to my best ability, uninfluenced, I trust, by any other feeling than an earnest desire to ascertain and give to the constitution, its just construction, being as little anxious for the abridgment of the federal, as for the extension of the state jurisdiction. My investigations have terminated in the conviction, that the constitution of the United States does not warrant the power which the act of Congress purports to confer on the federal judiciary.

It was justly observed, in the argument, that our system of government is *sui generis*, unlike any other that now exists, or that has ever existed.—Resting on certain great principles which we contend to be fundamental, immutable, and of paramount obligation, it will not be found to want any of the powers of legitimate government; the distribution and modification of those powers have no parallel. To the federal government are confided certain powers, specially enumerated, and principally affecting our foreign relations, and the general interests of the nation. These powers are limited, not only by their special enumeration, but by the positive declaration that, all powers not enumerated, or not prohibited to the states, are reserved to the states, or to the people. This demarcation of power is not vain and ineffectual. The free exercise, by the states, of the powers reserved to them, is as much sanctioned and guarded by the constitution of the United States, as in the free exercise, by the federal government, of the powers delegated to that government. If either be im-

paired, the system is deranged. The two governments, therefore, possessing each its portion of the divided sovereignty, although embracing the same territory, and operating on the same persons and frequently on the same subjects, are nevertheless separate from, and independent of, each other. From this position, believed to be incontrovertible, it necessarily results that each government must act by *its own* organs: from no other can it expect, command, or enforce obedience, even as to objects coming within the range of its powers.

But whilst, on the one hand, neither government is left dependent upon the other, for the exercise of its proper powers, so, on the other hand, neither government, nor any of its departments, can act compulsively, on the other or any of its organs in their political or official capacities; with the single exception, perhaps, of the case where a state may be sued. In using the term compulsive action, I do not mean to restrain it to the idea of actual force, but to extend it to any action imposing an obligation to obey. The present government of the United States, grew out of the weakness and inefficiency of the confederation, and was intended to remedy its evils. Instead of a government of *requisition*, we have a government of power. But how does that power operate? On individuals, in their individual capacities. No one presumes to contend, that the state governments can operate compulsively on the general government or any of its departments, even in cases of unquestionable encroachment on state authority; as, for example, if the federal court should entertain jurisdiction, in personal actions, between citizens of the same state, not involving questions concerning the construction of the constitution of the United States, nor concerning the validity or construction of any statute, treaty, commission, or authority of, or under the general government, nor concerning the validity of any statute, commission, or authority of, or under, any state government; such encroachment of jurisdiction could neither be prevented nor redressed by the state government, or any of its departments, *by any procedure acting on the federal courts*. I can perceive nothing in the constitution which gives to the federal courts any stronger claim to prevent or redress, by any procedure acting on the state courts, an equally obvious encroachment on the federal jurisdiction.—The constitution of the United States contemplates the independence of both governments, and regards the *residuary* sovereignty of the states, as not less inviolable than the *delegated* sovereignty of the United States. It must have been foreseen that controversies would sometimes arise as to the boundaries of the two jurisdictions. Yet the constitution has provided no umpire, has erected no tribunal by which they shall be settled.—The omission proceeded, probably, from the belief, that such a tribunal would produce evils greater than those of the occasional collisions which it would be designed to remedy. Be this as it may, to give to the general government or any of its departments, a direct and controlling operation upon the state departments *as such*, would be to change at once, the whole character of our system.—The independence of the state authorities would be extinguished, and a superior, unknown to the constitu-

tion, would be created, which would, sooner or later, terminate in an entire consolidation of the states into one complete national sovereignty.

If these principles be correct; if the two governments and their departments are separate, distinct from, and independent of, each other, and neither can act directly and compulsively upon the other, there is an end of the question now before the court; for the question is, in fact, whether the federal court can act directly on this court, by obliging it to enter a judgment not its own.

But this principle of the separation and independence of the departments of the two governments, deserve farther developement. The writer commonly called the *Federalist*, and who has ably elucidated many of the principles of our government, lays down the position, that "the national and state systems are to be regarded as *one whole*." (Letter 82. p. 245, 246.) From this position, both he and the counsel for the appellee, have inferred the right of appeal from the state to the federal courts. The position it self, however, is assumed without proof or illustration, nor is the sense in which it is to be understood distinctly unfolded.

There is only one sense in which it is believed to be true. The national and state governments are the depositories of all the powers known to our system of government. In this view, they may, perhaps, be considered as one whole.—But this proves nothing, and leaves us where it found us. We must resort to some other source to ascertain the distribution of those powers, and the relation which the parts of this whole sustain towards each other. To justify the inference that has been deduced, it must first be proved that the parts are connected, and that the one is superior to, and has a direct, commanding, and controlling power over the other —which is the very point in controversy. It may farther be observed, that the courts of the U. States derive their powers from, and owe responsibility to, the people of the U. States; whereas the state courts derive their power from, and owe responsibility to, the people of their respective states. They emanate from different sources, and have no common or connecting head.

I can perceive no force in the argument attempted to be drawn from the sixth article of the constitution of the United States, which declares that the constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the Judges in every state shall be bound thereby. From this obligation no exemption will be claimed for the state courts. But it imposes a subjection to the constitution, and to the laws and treaties made under its authority; not a subjection to the federal courts. What that constitution is, what those laws and treaties are, must, in cases coming before the state courts, be decided by the state Judges, *according to their own judgments and upon their own responsibility*.—To the opinions of the federal courts they will always pay the respect which is due to the opinions of other learned and upright Judges, and more especially when it is considered, that all the cases of federal cognizance, may, as I shall

hereafter endeavour to prove, be originally carried before the federal courts, and probably would always be carried there, unless there should be a conformity between the decisions of the state courts and of the federal courts.—The courts of this state have furnished repeated evidences of this respect for the decisions of the federal courts—but it is *respect* only, and not the acknowledgment of *conclusive authority*.

Such are my conclusions from the general character and principles of our institutions. They are strengthened and confirmed by an examination of the particular clauses of the constitution concerning the judiciary.

The first section of the 3d article declares, that "the judicial power of the U. States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The Judges both of the supreme and inferior courts shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office." The obvious meaning of this clause is, to designate the *organs* by which the United States are to exercise the judicial powers with which they are invested. These organs are federal courts, held by Judges commissioned by the President of the United States, independent by the stability of their compensation and of the tenure of their offices, and responsible by their liability to impeachment and trial before the senate of the United States for misbehaviour in office.

If this court should now proceed to enter a judgment in this case according to the instructions of the supreme court, the Judges of this court, in doing so, must act either as federal or as state Judges.—But we cannot be made federal Judges without our consent and without commissions.—Both these requisites being wanting, the act could not, therefore, be done by us, constitutionally, as federal Judges. We must then, in obeying this mandate, be considered still as state Judges. We are required as state Judges, to enter up a judgment not our own, but dictated and prescribed to us by another court. This, as to us, would be either a judicial or a ministerial act. If it be the latter, I presume it will not be contended that the federal court has the right to make the Judges of this court its ministerial agents.—Let it then be a judicial act. But, before one court can dictate to another the judgment it shall pronounce, it must bear, to that other, the relation of an appellate court. The term appellate, however, necessarily includes the idea of *superiority*. But one court cannot be correctly said to be *superior* to another, unless both of them belong to the same sovereignty. It would be a misapplication of terms to say that a court of Virginia is *superior* to a court of Maryland, or *vice versa*. The courts of the U. States therefore, belonging to one sovereignty, cannot be appellate courts in relation to the state courts, which belong to a different sovereignty—and of course, their commands or instructions impose no obligation.

The second section of the third article enumerates the cases to which the judicial power of the United States shall extend; and the eighth section of the first article declares that Congress shall have power to make all laws which

shall be necessary and proper for carrying into execution all the powers vested in the general government, or any department thereof. But this effectuating power, as it has been termed, must, of necessity, be limited to constitutional means. In relation to judicial powers, these means have been already shown to be federal courts, and judges duly commissioned—but the act of Congress now under consideration, attempts, in fact, to make the state courts, *inferior federal courts*, and to exercise through them, jurisdiction over the subjects of federal cognizance. The state jurisdiction had expended itself on the rendition of the judgment heretofore pronounced, or rather, was suspended by the writ of error awarded to that judgment. All that has been subsequently done, has been confessedly nothing more than the exercise of federal jurisdiction in a federal court; and if we were now to obey this mandate, it would be only a continuation of the same jurisdiction; it would be the same court pronouncing its judgments through us, who not being commissioned, are not bound nor authorized to become such organs.

The constitution next speaks of the *jurisdiction* of the federal courts, as *original* and *appellate*. "In all cases affecting ambassadors, other public ministers and consuls, and those in which a state may be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction." I have already endeavoured to show, that on general principles, no court of one sovereignty, can be said to be superior or supreme, in relation to the courts of another sovereignty. If, therefore, I am correct in this position, the appellate jurisdiction of the supreme court of the United States, must have reference to the inferior courts of the United States and not to the state courts. But, putting this general principle out of view, it would seem impossible that the clause under consideration could admit of any other rational construction. The first clause of the third article, before mentioned, speaks of the different courts, in which the judicial power of the United States shall be vested as *superior* and *inferior;* the next enumerates the cases to which that judicial power shall extend; and the one now under consideration, resuming the subject of the courts, speaks of the jurisdiction of the *supreme* court as *original* and *appellate*. The term *supreme* must be understood in reference to the *inferior* courts immediately before mentioned; and it must be in relation to them and not to the state courts, that the *supreme* court is to exercise appellate jurisdiction. It has been contended that the constitution contemplated only the objects of appeal, and not the tribunals from which the appeal is to be taken; and intended to give to the supreme court of the United States, appellate jurisdiction in all the cases of federal cognizance. But this argument proves too much, and what is utterly inadmissible. It would give appellate jurisdiction, as well over the courts of England or France, as over the state courts; for, although I do not think the state courts are *foreign* courts in relation to the federal courts, yet I consider them not less *independent* than foreign courts.

If the appellate power now claimed for the federal courts, is given by the constitution, it is unquestionably, not given in express

terms, but is only deducible by inference and implication. Let us attend for a moment, to the effects and consequences of such a power. The counsel for the appellee, claimed for the federal courts, not only the power to determine, finally and conclusively, all cases which might be carried before them in a due course of appeal, but also a right, as resulting necessarily and inevitably from the very nature of appellate power, to determine finally and conclusively, on the extent of their own jurisdiction. My impression is, that this right would necessarily result from the grant of appellate power. The right to determine the question of jurisdiction, or in other words, the cases to which the appellate power extends, must rest somewhere. It must be vested in the inferior, or in the appellate court. To vest it in the inferior court, would be to invert the order of nature, to make the *inferior* greater than the *superior*. It would be to repose more confidence in the *inferior* court, from whose judgment an appeal is allowed, than in the *superior* court, which has power to reverse the judgments of the inferior—and would often defeat the object of the grant of appellate power. It has, accordingly, been the uniform practice of all appellate courts to decide their own jurisdiction in relation to the courts as to which they are appellate; and the practice has been uniformly submitted to by the inferior courts. Can it be believed that a power involving such consequences, which would thus place the state courts at the feet of the federal courts, and make them the unwilling instruments of their usurpation of state rights, (should such usurpation ever be attempted;) can it be believed, that such a power, if it had been intended to be given, would have been granted by implication and inference only?

It was contended by the counsel for the appellee, that if the appellate power of the federal courts be denied, there will be no other mode by which Congress can extend the judicial power of the United States to the cases of federal cognizance—that there will, consequently, be no uniformity of decision; that the general government will be deprived of the power of executing its laws and treaties; that the purposes for which that government was adopted, will be defeated, and that, in many instances, the peace of the country will be endangered. If these evils were to follow our decision, I should nevertheless be constrained to pronounce it, convinced as I am, that the defects of our system of government must be remedied, not by the judiciary, but by the sovereign power of the people. But I cannot perceive that any such evils are likely to arise. The powers vested by the constitution, in the congress of the United States, were delegated for purposes essential to the general welfare, and ought not to be defeated or impaired: and I have no doubt that one of those powers is that of making all laws, necessary and proper, for extending the judicial power of the United States, to *all* the cases to which the constitution declares that that power shall extend. I must not, however, be understood as impeaching the concurrent jurisdiction, *original* and *final* of the state courts, *provided the parties shall elect that jurisdiction.* I do not understand the counsel for the appellee as denying the concurrent *original* jurisdiction of the state courts—nor can I perceive any better reason for denying their

final jurisdiction in all those cases which the parties shall submit to their decision.—All the purposes of the constitution of the United States will be answered by the erection of federal courts, into which any party, plaintiff or defendant, concerned in a case of federal cognizance, *may* carry it for adjudication; for, it was never intended to force the parties into those courts against their will. The right of the *plaintiff*, to have his case tried before the federal courts, is unquestionable, as he may institute his suit in the state or federal courts, at his own option —and it will be sufficient for the *defendant* sued in a *state* court, if the act of congress shall give him the power, to remove the case at any time before judgment into the federal courts. I cannot doubt that congress may give this power consistently with the constitution; for, otherwise, the judicial power of the United States might be eluded at the pleasure of any plaintiff. If then the plaintiff shall *elect* the state jurisdiction, by bringing his suit in the state court, and the defendant shall also *elect* it by submitting to it, they must from the nature of the judicial power reserved to the states, be *concluded* by the judgment, unless there be an appeal to some superior court, which I have endeavoured to show is not the case with respect to the federal courts.—If after a judgment in a state court, in any such case, there shall be complaints of a want of uniformity of decision, of a defective execution of the laws of the Union, of a violation of rights under the constitution, laws or treaties of the United States, or complaints of any other kind whatsoever, the answer to them all, both in relation to foreigners and others, is that the parties have elected their own tribunal; a tribunal, over which the general government has no control; nd for whose decisions, therefore, it owes no responsibility.

Upon every view of this subject which I have been able to take, I am of opinion that the writ of error was improvidently awarded, and that this court should decline obedience to the mandate of the Supreme Court of the U. States.

The Supreme Court of the United States, at its late term, pronounced an opinion on the case involving the question of the jurisdiction of the federal courts over those of the states, arising out of the refusal of the courts of Virginia to recognize the authority of the supreme court. On this important constitutional question, the following is a copy of the opinion of Judge Johnston, delivered from the bench of the supreme court.

MARTIN *v.* FAIRFAX.

It will be observed in this case, that the court disavows all intention to decide on the right to issue a mandamus to the state courts; thus leaving us, in my opinion, where the constitution places us—supreme over persons and cases as far our judicial powers extend, but not asserting any compulsory control over the state tribunals

In this view I acquiesce in their decision, but not altogether in the reasoning or opinion of my brother who delivered it. Few minds are accustomed to the same habit of thinking, and our conclusions are most satisfactory to ourselves when arrived at in our own way.

I have another reason for expressing my opinion on this occasion. I view this question as one of the most momentous importance; as one which may affect in

its consequences the permanence of the American union. It presents an instance of collision between the judicial powers of the union, and one of the greatest states in the union, on a point the most delicate and difficult to be adjusted. On the one hand, the general government must cease to exist, whenever it loses the power of protecting itself in the exercise of its constitutional powers. Force, which acts upon the physical powers of man, or judicial process, which addresses itself to his moral principles or his fears, are the only means to which governments can resort in the exercise of their authority. The former is happily unknown to the genius of our constitution, except as far as it shall be sanctioned by the latter; but let the latter be obstructed in its progress by an opposition, which it cannot overcome or put by, and the resort must be to the former, or government is no more.

On the other hand, so firmly am I persuaded that the American people can no longer enjoy the blessings of a free government, whenever the state sovereignties shall be prostrated at the feet of the general government, nor the proud consciousness of equality and security any longer than the independence of judicial power shall be maintained, consecrated and intangible, that I could borrow the language of a celebrated orator, and exclaim, "I rejoice that Virginia has resisted."

Yet here I must claim the privilege of expressing my regret, that the opposition of the high and truly respected tribunal of that state, had not been marked with a little more moderation. The only point necessary to be decided in the case then before them was, "*whether they were bound to obey the mandate emanating from this court?*" But in the judgment entered on their minutes, they have affirmed that the case was in this court *coram non judice*, or in other words, that this court had not jurisdiction over it.

This is assuming a truly alarming latitude of judicial power. Where is it to end? It is an acknowledged principle of, I believe, every court in the world, that not only the decisions, but every thing done under the judicial process of courts not having jurisdiction, are ipso facto void. Are then, the judgments of this court to be reviewed in every court of the union; and is every recovery of money, every change of property, that has taken place under our process, to be considered as null, void and tortious?

We pretend not to more infallibility than other courts, composed of the same frail materials which compose this. It would not be the height of affectation to close our minds upon the recollection that we have been extracted from the same seminaries in which originated the learned men who preside over the state tribunals. But there is one claim which we can with confidence assert in our own name upon those tribunals—the profound, uniform and unaffected respect which this court has always exhibited for state decisions, give us strong pretensions to judicial comity; and another claim I may assert, in the name of the American people:—In this court, every state in the union is represented; we are constituted by the voice of the union, and when decisions take place, which nothing but a spirit to give ground and harmonize can reconcile, ours is the superior claim upon the comity of the state tribunals. It is the nature of the human mind to

press a favourite hypothesis too far, but magnanimity will always be ready to sacrifice the pride of opinion to public welware.

In the case before us, the collision has been on our part wholly unsolicited. The exercise of this appellate jurisdiction over the state decisions has long been acquiesced in, and when the writ of error in this case was allowed by the president of the court of appeals of Virginia, we were sanctioned in supposing that we were to meet with the same acquiescence there. Had that court refused to grant the writ in the first instance, or had the question of jurisdiction, or on the mode of exercising jurisdiction, been made here originally, we should have been put on our guard, and may have so modelled the process of this court as to strip it of the offensive form of a mandate. In this case it may have been brought over to what probably the 25th section of the judiciary act meant it should be, to wit, an alternative judgment either that the state court may finally proceed, at its option, to carry into effect the judgment of this court; or if it declined doing so, that then this court would proceed itself to execute it. The words "sense" and "operation" of the 25th section on this subject, merit particular attention. In the preceding section which has relation to causes brought up by writ of error from the circuit courts of the United States, this court is instructed not to issue executions, but to send a special mandate to the circuit court to award execution thereupon. In case of the circuit court's refusal to obey such mandate, there could be no doubt as to ulterior measures; compulsory measures might unquestionably be resorted to. Nor, indeed, was there any reason to suppose that they ever would refuse; and therefore there is no provision made for authorising this court to execute its own judgment in cases of that description. But not so in cases brought up from the state courts. The framers of that law plainly foresaw that the state courts may refuse; and not being willing to leave ground for the implication, that compulsory process must be resorted to, because no specific provision was made, they have provided the means, by authorising this court, in case of reversal of the state decision, to execute its own judgment. In case of *reversal* only was this necessary, for in case of affirmance this collision could not arise. It is true, that the words of this section are, that this court may, *in their discretion*, proceed to execute its own judgment. But these words were very properly put in, that it might not be made imperative upon this court to proceed indiscriminately in this way; as it could only be necessary in case of the refusal of the state courts; and this idea is fully confirmed by the words of the 13th section, which restrict this court in issuing the writ of mandamus, so as to confine it expressly to those courts which are constituted by the United States.

In this point of view, the legislature is completely vindicated from all intention to violate the independence of the state judiciaries. Nor can this court, with any more correctness, have imputed to it similar intentions. The form of the mandate issued in this case is that known to appellate tribunals, and used in the ordinary cases of writs of error from the courts of the United States. It will perhaps not be too much in such cases, to expect of those who are conversant

in the forms, fictions and technicality of the law, not to give to the process of courts too literal a construction. They should be considered with a view to the ends they are intended to answer, and the law and practice in which they originate. In this view, the mandate was no more than a mode of submitting to the court the option which the 25th section holds out to them.

Had the decision of the court of Virginia been confined to the point of their legal obligation to carry the judgment of this court into effect, I should have thought it unnecessary to make any further observations in this cause. But we are called upon to vindicate our general revising power, and its due exercise in this particular case.

Here, that I may not be charged with arguing upon a hypothetical case, it is necessary to ascertain what the real question is which this court is now called to decide on.

In doing this it is necessary to do what, although in the abstract of very questionable propriety, appears to be generally acquiesced in, to wit: to review the case as it originally came up to this court on the former writ of error. The cause then came up upon a case stated between the parties, and under the practice of that state having the effect of a special verdict. The case stated, brings into view the treaty of peace with Great Britain, and then proceeds to present the various laws of Virginia, and the facts upon which the parties found their respective titles. It then presents no particular question, but refers generally to the law arising out of the case. The original decision was obtained prior to the treaty of 1794, but before the case was adjudicated in this court, the treaty of 1794 had been concluded.

The objection arises under the the construction of the 25th section above alluded to; which, as far as it relates to this case, is in these words: "A final judgment or decree in any suit, in the highest court of law or equity of a state, in which a decision in the suit could be had," "where is drawn in question the construction of any clause of the constitution or of a treaty," "and the decision is against the title set up or claimed by either party under such clause, may be re-examined and reversed, and affirmed," &c.

"But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before mentioned questions of validity or construction of the said treaties," &c.

The first point to be decided under this state of the case was, that the judgment being a part of the record, if that judgment was not such, as upon that case it ought to have been, it was an error apparent on the face of the record. But it was contended, that the case there stated, presented a number of points, upon which the decision below may have been founded, and that it did not, therefore, necessarily appear to have been an error immediately respecting a question on the construction of a treaty. But the court held, that as the reference was general to the law arising out of the case, if one question arose, which called for the construction of a treaty, and the decision negatived the right set up under it, this court will reverse that decision, and that

it is the duty of the party who would avoid the inconvenience of this principle, so to mould the case, as to obviate the ambiguity. And under this point arises the question, whether this court can enquire into the title of the party, or whether they are so restricted in their juridical powers as to be confined to decide on the operation of a treaty upon a title previously ascertained to exist.

If there is any one point in the case, on which an opinion may be given with confidence, it is this. Whether we consider the letter of the statute, or the spirit, intent or meaning of the constitution and of the legislature, as expressed in the 25th section, it is equally clear that the title is the primary object to which the attention of the court is called in every such case The words are, "and the decision be against *the title*," so set up, not against *the construction of the treaty* contended for by the party setting up the title. And how could it be otherwise? The title may exist, notwithstanding the decision of the state courts to the contrary; and in that case the party is entitled to the benefits intended to be secured to him by the treaty. The decision to his prejudice, may have been the result of those very errors, partialities or defects in state jurisprudence, against which the constitution intended to protect the individual. And if the contrary doctrine be assumed, what is the consequence? This court may then be called upon to decide on a mere hypothetical case—to give a construction to a treaty, without first deciding whether there was any interest on which that treaty, whatever be its proper construction. would operate. This difficulty was felt, and weighed in the case of Smith and the state of Maryland, and that decision was founded upon the idea that this court was not thus restricted.

But another difficulty presented itself: The treaty of '94 had become the supreme law of the land since the judgment rendered in the court below. The defendant, who was at that time an alien, had now become confirmed in his rights, under that treaty. This would have been no objection to the correctness of the original judgment; were we then at liberty to notice that treaty in rendering the judgment of this court. Having dissented from the opinion of the court below, on the question of title, this difficulty did not present itself in any way, in the view I then took of the case. But the majority of this court determined that, as a public law, the treaty was a part of the law of every case depending in this court; that as such, it was not necessary that it should be spread upon the record, and that it was obligatory upon this court, in rendering judgment upon this writ of error, notwithstanding the original judgment may have been otherwise unimpeachable. And to this opinion I yielded my hearty assent. For it cannot be maintained that this court is bound to give a judgment unlawful at the time of rendering it, in consideration that the same judgment would have been lawful at any prior time. What judgment can now be lawfully rendered between the parties? is the question to which the attention of the court is called. And if the law which sanctioned the original judgment, expire, pending an appeal, this court has repeatedly reversed the judgment below, although rendered whilst the law existed. So too, if plaintiff in error die, pending suit, and his land de-

scend on an alien, it cannot be contended that this court will maintain the suit in right of the judgment, in favour of his ancestor, notwithstanding his present disability.

It must here be recollected, that this is an action of ejectment. If the term formally declared upon expires, pending the action, the court will permit the plaintiff to amend, by extending the term—Why? because although the right may have been in him at the commencement of the suit, it has ceased before judgment, and without this amendment he could not have judgment. But suppose the suit were really instituted to obtain possession of a leasehold, and the lease expire before judgment, would the court permit the party to amend in opposition to the right of the case? On the contrary, if the term formally declared on, were more exclusive than the lease in which the legal title was founded, could they give judgment for more than facts? It must be recollected, that under this judgment a *writ of restitution* is the fruit of the law. This, in its very nature, has relation to, and must be founded upon, a present existing right at the time of judgment. And whatever be the cause which takes this right away, the remedy must, in the reason and nature of things, fall with it.

When all these incidental points are disposed of, we find the question finally reduced to this—does the judicial power of the United States extend to the revision of decisions of state courts, in cases arising under treaties? But, in order to generalise the question, and present it in the true form in which it presents itself in this case, we will enquire whether the constitution sanctions the exercise of a revising power over the decisions of state tribunals, in those cases to which the judicial power of the United States extends?

And here it appears to me, that the great difficulty is on the other side. The real doubt, whether the state tribunals can constitutionally exercise jurisdiction in any of the cases to which the judicial power of the United States extends.

Some cession of judicial power is contemplated by the third article of the constitution: That which is ceded can no longer be retained. In one of the circuit courts of the United States, it has been decided with (what correctness I will not say) that the cession of a power to pass an uniform act of bankruptcy, although not acted on by the United States, deprives the states of the power of passing laws to that effect. With regard to the admiralty and maritime jurisdiction, it would be difficult to prove that the states could resume it, if the United States should abolish the courts vested with that jurisdiction—yet, it is blended with the other cases of jurisdiction, in the 2d section of the 3d article, and ceded in the same words.

But it is contended, that the 2d section of the 3d article, contains no expression of cession of jurisdiction: That it only vests a power in congress to assume jurisdiction to the extent therein expressed. And under this head arose the discussion on the construction proper to be given to that article. On this part of the case, I shall not pause long. The rules of construction, where the nature of the instrument is as certain, are familiar to every one. To me, the constitution appears, in every line of it, to be a contract, which, in legal language, may be denominated

tripartite. The parties are the people, the states, and the United States. It is returning in a circle to contend that it professes to be the exclusive act of the people, for what have the people done but to form this compact? That the states are recognised as parties to it, is evident from various passages, and particularly that in which the United States guarantee to each state a republican form of government. The security and happiness of the whole was the object, and to prevent dissention and collision, each surrendered those powers which might make them dangerous to each other. Well aware of the sensitive irritability of sovereign states, where their wills or interests clash, they placed themselves, with regard to each other, on the footing of sovereigns upon the ocean; where power is mutually conceded to act upon the individual, but the national vessel must remain unviolated. But to remove all ground for jealousy and complaint, they relinquish the privilege of being any longer the exclusive arbiters of their own justice, where the rights of others come in question, or the great interests of the whole may be affected by those feelings, partialities or prejudices which they meant to put down for ever.

Nor shall I enter into a minute discussion, on the meaning of the language of this section. I have seldom found much good result from hypercritical severity, in examining the distinct force of words. Language is essentially defective in precision, more so than those are aware of, who are not in the habit of subjecting it to philogical analysis. In the case before us, for instance, a rigid construction might be made, which would annihilate the powers intended to be ceded. The words are, "shall extend to;" but that which *extends to*, does not necessarily *include in*, so that the circle may enlarge until it reaches the objects that limit it, and yet not take them in. But the plain and obvious sense and meaning of the word *shall* in this sentence, is in the future sense, and has nothing imperative in it. The language of the framers of the constitution is, "We are about forming a general government—when that government is formed, its powers shall extend," &c. I, therefore, see nothing imperative in this clause, and certainly it would have been very unnecessary to use the word in that sense. For as there was no controlling power constituted, it would only, if used in an imperative sense, have imposed a moral obligation to act. But the same result arises from using it in a future sense, and the constitution every where assumes, as a postulate, that wherever power is given it will be used, or at least used as far as the interests of the American people require it, if not from the natural proneness of man to the exercise of power, at least from a sense of duty, and the obligation of an oath. Nor can I see any difference in the effect of the words used in this section, as to the scope of the jurisdiction of the United States' courts over the cases of the first and second description comprised in that section. "Shall extend to controversies," appears to me as comprehensive in effect, as "shall extend to all cases." For, if the judicial power extend to "controversies between citizen and alien, &c." to what controversies of that description does it not extend? If no case can be pointed out which is excepted, it then extends to *all controversies*.

But I will assume the construction as a sound one, that the cession of power to the general government, means no more than that they may assume the exercise of it whenever they think it advisable. It is clear that congress have hitherto acted under that impression, and my own opinion is in favour of its correctness. But does it not then follow, that the jurisdiction of the state court, within the range ceded to the general government, is permitted, and may be withdrawn whenever congress think proper to do so? As it is a principle that every one may renounce a right introduced for his benefit, we will admit that they may constitutionally exercise jurisdiction in such cases. Yet surely the general power to withdraw the exercise of it, includes in it the right to modify, limit, and restrain that exercise. "This is my domain, put not your foot upon it, if you do you are subject to my laws. I have a right to exclude you altogether—I have then a right to prescribe the terms of your admission to a participation. As long as you conform to my laws participate in peace, but I reserve to myself the right of judging how far your acts are conformable to my laws." Analogy then to the ordinary exercise of sovereign authority would sustain the exercise of this controlling or revising power.

But it is argued that a power to assumed jurisdiction to the constitional extent, does not necessarily carry with it, a right to exercise appellate power over the state tribunals.

This is a momentous question, and one on which I shall reserve myself uncommitted for each particular case as it shall occur. It is enough at present to have shown that congress has not asserted and this court has not attempted to exercise that kind of authority in personam over the state courts which would place them in the relation of an inferior responsible body *independent of their own acquiescence*. And I have too much confidence in the state tribunals to believe that a case ever will occur in which it will be necessary for the general government to assume a controlling power over those tribunals. But is it difficult to suppose a case which will call loudly for some remedy or restraint? Suppose a foreign minister or an officer acting regularly under authority from the United States, seized to-day, tried to-morrow, and hurried the next day to execution. Such cases may occur, and have occurred in other countries. The angry vindictive passions of men have too often made their way into judicial tribunals, and we cannot hope for ever to escape their baleful influence.—In the case supposed there ought to be a power somewhere to restrain or punish, or the union must be dissolved. At present the uncontrollable exercise of criminal jurisdiction is most securely confided to the state tribunals. The courts of the United States are vested with no power to scrutinize into the proceedings of the state courts in criminal cases; on the contrary the general government has in more than one instance exhibited their confidence by a wish to vest them with the execution of their own penal laws. —And extreme indeed, I flatter myself, must be the case in which the general government could ever be induced to assert this right. If ever such a case should occur it will be time enough to decide upon their right to do so.

But we know that by the 3d ar-

ticle of the constitution judicial power to a certain extent is vested in the general government, and that by the same instrument power is given to pass all laws necessary to carry into effect the provisions of the constitution. At present it is only necessary to vindicate the laws which they have passed affecting civil cases pending in state tribunals.

In legislating on this subject, congress in the true spirit of the constitution have proposed to secure to every one the full benefit of the constitution without forcing any one necessarily into the courts of the United States. With this view in one class of cases they have not taken away absolutely from the state courts all the cases to which their judicial power extends, but left it to the plaintiff to bring his action there originally if he choose, or to the defendant to force the plaintiff into the courts of the United States where they have jurisdiction, and the former has instituted his suit in the state courts. In this case they have not made it legal for the defendant to plead to the jurisdiction, the effect of which would be to put an end to the plaintiff's suit and oblige him probably at great risk or expense to institute a new action; but the act has given him a right to obtain an order for a removal on a petition to the state court, upon which the cause with all its existing advantages is transferred to the circuit court of the United States. This, I presume, can be subject to no objection: As the legislature has an unquestionable right to make the ground of removal a ground of plea to a jurisdiction, and the court must then do no more than it is now called upon to do, to wit, give an order or a judgment, or call it what we will, in favour of the defendant. And so far from asserting the inferiority of the state tribunal, this act is rather that of a superior, inasmuch as the circuit court of the United States becomes bound by that order to take jurisdiction of the case.—This method, so much more unlikely to affect official delicacy, than that which is resorted to in the other class of cases, might perhaps have been more happily applied to all the cases which the legislature thought it advisable to remove from the state courts. But the other class of cases, in which the present is included, was proposed to be provided for in a different manner. And here again, the legislature of the union evince their confidence in the state tribunals, for they do not attempt to give original cognizance to their own circuit courts of such cases, or to remove them by petition and order, but still believing that their decisions will be generally satisfactory, a writ of error is not given immediately as a question within the jurisdiction of the United States shall occur, but only in case the decision shall finally in the court of the last resort be against the title set up under the constitution, treaty, &c.

In this act I can see nothing which amounts to an assertion of the inferiority or dependence of the state tribunals.—The presiding judge of the state court is himself authorised to issue the writ of error, if he will, and thus give jurisdiction to the supreme court, and if he thinks proper, to decline it; no compulsory process is provided by law to oblige him.—The party who imagines himself aggrieved is then at liberty to apply to a judge of the United States, who issues the writ of error, which

(whatever the form) is in substance no more than a mode of compelling the opposite party to appear before this court, and maintain the legality of his judgment obtained before. An exemplification of a record is the common property of every one who chooses to apply and pay for it, and thus the case and the parties are brought before us. —And so far is the court itself from being brought under the revising power of this court, that nothing but the case as presented by the record and pleadings of the parties are considered, and the opinions of the court are never resorted to unless for the purpose of assisting this court in forming their own opinion.

The absolute necessity that there was for congress to exercise something of a revising power over the cases and parties in the state courts, will appear from this consideration.

Suppose the whole extent of the judicial power of the United States vested in their own courts, yet such a provision would not answer all the ends of the constitution for two reasons—

1st, Although the plaintiff may in such case have the full benefit of the constitution extended to him, yet the defendant would not; as the plaintiff might force him into the court of the state at his election.

2dly, Supposing it possible so to legislate as to give the courts of the United States original jurisdiction in all cases arising under the constitution, laws, &c. in the words of the second section of 3d article, (a point on which I have some doubt,)—yet a very large class of cases would remain unprovided for. Incidental questions would often arise, and as a court of competent jurisdiction in the principal case, must decide all such questions, whatever laws they arise under, endless might be the diversity of decision throughout the union upon the constitution, treaties and laws of the United States, a subject on which the tranquillity of the union, internally and externally, may materially depend.

I should feel the more hesitation in adopting the opinions which I express in this case, were I not firmly convinced that they are practical and may be acted upon without compromitting the harmony of the union, or bringing humility upon the state tribunals. God forbid that the judicial power in these states should ever, for a moment, even in its humblest departments, feel a doubt of its own independence. Whilst adjudicating on a subject which the laws of the country assign finally to the revising power of another tribunal, it can feel no such doubt. An anxiety to do justice is ever relieved by the knowledge that what we do is not final between the parties. And no sense of dependence can be felt from the knowledge that the parties, not the court, may be summoned before another tribunal. With this view, by means of laws avoiding judgments obtained in the state courts, in cases over which congress has constitutionally assumed jurisdiction, and inflicting penalties on parties who shall contumaciously persist in infringing the constitutional rights of others —under a liberal extension of the writ of injunction and the habeas corpus ad subjiciendum, I flatter myself that the full extent of the constitutional revising power may be secured to the United States, and the benefits of it to the indi-

vidual, without ever resorting to compulsory or restrictive process upon the state tribunals—a right which I repeat again congress has not asserted, nor has this court asserted, nor does there appear any necessity for asserting.

The remaining points in the case being mere questions of practice, I shall make no remarks upon them.

IMPORTANT CONSTITUTIONAL EXPOSITION.

Decision of Judge Langdon Cheves, of South Carolina, in the case of Andrew Rhodes, delivered at chambers, South Carolina, on a writ of Habeas Corpus ad Subjiciendum.

EX PARTE ANDREW RHODES.

The prisoner is brought before me, at chambers, on a *writ of Habeas Corpus ad Subjiciendum*, and the officer in whose custody he is, exhibits, as the authority by which he detains him, a warrant of commitment under the hand and seal of John Hinckley Mitchell, a justice of the peace of this state, on a charge that the prisoner had forged or counterfeited a number of protections for American seamen. This, it is believed, is no offence against this state; but is an offence against the laws of the United States.

I am called upon, on the part of the prisoner, to discharge him from custody, under this warrant, because it contains no accusation under the laws of the state, and it is contended, the magistrate who committed him, being an officer of the state, had no authority to commit him for an offence against the United States, because the 33d section of the judiciary act, (1 vol. Laws U. S. p. 72.) which, in its terms, authorises such commitments, is unconstitutional.

It is contended—

1st. That by the 1st section of the 3d article of the constitution of the United States, "The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as congress shall, from time to time, ordain and establish"—and that this judicial power in criminal cases is, under the constitution, exclusive of the authority of the states.

2d. That the act of granting all warrants of commitment is a judicial act, and, therefore, in cases under the laws of the United States, to be exclusively performed by an officer of the United States.

3d. That it is my duty as judge of this state, under the habeas corpus act, to take cognizance of this case, on the grounds stated.

1st. All these questions are important and difficult; but the first is of peculiar importance. It has been a controverted question from a period anterior to the adoption of the constitution of the United States, and still remains unsettled, and I am happy to be relieved by the opinions I have formed on the other questions, which the case presents, from the necessity of deciding this.

2d. Is the act of granting a warrant of commitment a judicial act? I think it is not. I am aware of a late decision, (the case of Joseph Almeida, in Maryland,) in which this question has been determined in the affirmative. In this opinion, I cannot concur. The only authority which is relied upon to support this opinion, is a single expression contained in a decision of the supreme court of the United States, in the case of the *United*

States v. *Judge Lawrence*, (3 Dallas's Rep. 53.) This authority, it is evident, has been misconceived. That was a case in which under our consular convention with France, Judge Lawrence, who was then district Judge of the United States for the district of New York, had been required, by the vice consul of the French republic, to issue a warrant for apprehending captain Barre, commanmander of the frigate Le Perdrix, belonging to the French republic, as a deserter. The judge was of opinion, that, before the warrant could issue, the consul should prove, by the register of the ship, or role d'equipage, that captain Barre was one of the crew of the Le Perdrix. The consul offered other proof; but the judge thought this indispensable; whereupon an application was made to the supreme court for a mandamus to compel the judge to issue a warrant. The court, in deciding the case, refused the mandamus, and in giving their reasons, say, "It is evident the district judge was acting in a judicial capacity, when he determined the evidence was not sufficient to authorize his issuing a warrant." It is very manifest, that it is to his judgment on the evidence the court allude, when they say, he was acting in a judicial capacity, and for that reason they refuse to issue a mandamus, and founding their judgment on this distinction, they virtually declare, that the granting a warrant of commitment is not a judicial act. I am aware it may be said, as all commitments must be founded on some evidence, in all cases of commitment a judicial act must be performed. There is certainly an opinion to be formed on the nature and sufficiency of the evidence adduced; but if such an exercise of the mind be a judicial act, then almost every function of the inferior officers of justice will be judicial, and even constables, who have, in certain cases, the power of commitment, will be judicial officers. This is preposterous. There must be some more correct view of the subject, and to obtain it let us resort to authorities. Our object is, to ascertain whether the function of a justice of the peace, in granting a warrant of commitment, be judicial or ministerial? It is not denied, that a justice of the peace does possess certain judicial powers, but it is denied that the granting a commitment is a judicial act. We must carefully distinguish between the original duties of a justice of the peace, and those which have been subsequently imposed upon him —the first constituted him merely a conservator of the peace—the latter has made him a judicial officer; the first authorised him to apprehend and commit offenders —the latter, in many cases, have conferred upon him the power to try and convict.

Sir William Blackstone, (1 Com. 351) after speaking of the occasion of the first appointment of these officers, says, "it was ordained in parliament, that for the better maintaining and keeping of the peace, in every county, good men and lawful, which were no maintainers of evil, or barrettors in the country, should be *assigned* to keep the peace; and in this manner, and upon this occasion, was the election of the *conservators of the peace* taken from the people and given to the king; this assignment being construed to be by the king's commission: *but still they were only conservators, wardens or keepers of the peace*, till the statute 34 Ed. 3. c. 1. gave them the pow-

er of trying felonies; then they acquired the more honourable appellation of justices."

"The power, office and duty of a justice of the peace depend on his commission, and on the several statutes which have created objects of his jurisdiction. His commission first empowers him singly to conserve the peace; and thereby gives him all the power of the ancient conservators at the common law, in suppressing riots and affrays, in taking securities for the peace, and *in apprehending and committing felons and other criminals.*" (Id. 353, 354.)

Who are these conservators of the peace who possess the same authority to *commit* as justices of the peace? Are they judicial officers? Among others, sheriffs are conservators of the peace.—"Constables, tithingmen, and the like, are also conservators of the peace within their own jurisdictions; and may apprehend all breakers of the peace, and *commit* them till they find sureties for their keeping it:" (Jacob's Law Dict. Tit. *Conservator of the Peace*, vol. 2. p. 26.)—"Conservators of the peace did *commit* at common law, and it was incident to their office, as it is to the office of justices of the peace, who are not authorised by any express words in their commission, but do it *ratione officii*," (15 Viner, 8 Tit. "justices of the peace.")

"It seems that the power of such conservators of the peace, whether by tenure, election, or prescription, was no greater than that of the constables at this day, unless it were enlarged by some special grant or prescription."—(Ibid. 4.)

"Holt, Ch. J. said he knew not whether, at first, justices of the peace were more than high constables; but the statute that made them complete judges is that of 34 Ed. 3."—(Ibid.)

Lord Hale, in his *analysis of the Law*, after having said that there are two kinds of subordinate civil magistrates, those that have a power or jurisdiction, and those that are without jurisdiction, says: "The persons that exercise this power or jurisdiction, are called judges or judicial officers," (sec. 11, p. 26, 27;) and in sec. 12, "of inferior magistrates *sine jurisdictione*,"—(p. 29.) he speaks thus: "The sheriff of the county is the greatest ministerial officer; and I call him magistrate because he is a conservator of the peace of the county, &c. &c. &c." "Constable and head constables. These, though they have not *any jurisdiction to hold cognizance of any fact*, yet are *conservators of the peace.*"

Dr. Sullivan in his commentary on Magna Charta, speaking of the warrant of commitment, says, "Thirdly, the warrant must not only contain a lawful cause, but have a legal conclusion, *and him safely keep until delivered by law;* not until the party committing doth further order—for that would be to make the magistrate, *who is only ministerial, judicial* as to the point of the liberty of the subject." (2 vol. Lectures on the constitution and laws of England, p. 266.)

I presume I have now established beyond all doubt, that the act of the magistrate, in granting a warrant of commitment, is a ministerial and not a judicial act. It may be useful, however, to spend a moment longer on the nature of that judicial power which is spoken of in the constitution. There are functions to be performed by inferior magistrates, commissioners and other like officers, which leave in them a *dis-*

cretion, which, in that particular, resembles judicial authority, but is not of the nature of that judicial power which forms one great branch of government. It is the latter, which is spoken of in the constitution. It is that which Lord Hale defines to be "a power or jurisdiction," and of which he further says, "the persons who exercise this power or jurisdiction are called judges or judicial officers; the places or tribunals wherein they exercise their power are called *courts;* and the right by which they exercise that power is called jurisdiction." (Analysis, sec. 11, p. 26, 27.) He then goes on to enumerate the superior and inferior courts of England, and gives us a clear and distinct idea of what may be embraced, and what is meant by the 3d article of the constitution on this point. They both mean to speak of trial, judgment; emphatically of the administration of justice, and not the little functions and fuctionaries, which are merely incipient and ancillary to this great essential power, which are inseparably incident to it, and can with no propriety be called implied powers.

If it has been proved that the act of the magistrate in committing an offender is a ministerial act, then the ground on which the counsel for the prisoner has put this argument, which is the same relied upon in the case of Almeida, though he has enforced it with ability and eloquence, entirely *fails*.

The only question that remains is, whether the legislature of the United States has a right by a statute, forbidden by no provision of the constitution of the United States, to give a limited authority to conserve the peace to one or more of the citizens and subjects of the said United States, who happen at the same time to be conservators of the peace of the state? If not forbidden by the constitution of the United States, what other power can forbid it? That constitution expressly forbids all it does not authorise. If not so forbidden, the statute is the supreme law of the land. All the minor arguments of expediency, such as blending jurisdictions, neglect of state duties, want of responsibility and others of the same description, are of little weight in themselves, and are not for judicial, but legislative consideration. Throughout the whole system of the government, the legislative, judicial and executive functions of the union and the states are blended; the responsibility of the citizen is divided, and duties to the states are superseded by duties to the union. But what then? Is it for judges, therefore, to say, they deem them inexpedient, and because they deem them inexpedient, declare them void? I will not say that expediency shall be always rejected in a judicial judgment on the meaning of the constitution, but it will seldom be a very weighty consideration and ought always to be used very cautiously. But I think it highly expedient that congress should confer this authority on the ministerial officers of the states. It is as useful to the states as the union, that the crimes against the United States should be punished. Their interests can seldom, perhaps never, be wisely separated. The crimes punishable under the laws of the United States, are great and important, but few in number. Without the aid of the ministerial officers of the states, to have the laws of the United States effectually executed against a few offenders (probably not

one hundred in a year in all the states) it would be necessary to appoint and scatter over their vast territory many thousands of justices of the peace, coroners, constables, &c. The attempt to execute the power, would be as impracticable as it would be ludicrous. But it is said the states are to watch with jealousy the acts of the general government, (a monstrous heresy in the politics of this country) and if it use the agency of the officers of the states, it will have a tendency to a consolidation of the state governments.

Exactly the reverse is the sound conclusion. The necessary dependence, practically, of the general government on the states, in many particulars, is one of the points in which its weakness has been most obvious and most lamented.

The counsel for the prisoner, taking it to be granted or proved that the act of the magistrate was a judicial act, contended that the constitution had established a mode in which all judicial officers were to be appointed, and that an act of congress, giving authority to the magistrates of the state, was a violation of this provision of the constitution. It would not follow, however, if the function were judicial, that the appointment must be made by the president and senate, for the constitution authorises congress, by law, to vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments; but the function is not judicial—the officer consequently not judicial; and, therefore, the argument, as urged, does not apply. But it may, perhaps, be insisted that though the constitution doth authorise congress by law, to vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of departments, it does not authorise congress, though both houses and the President should unanimously concur, itself to appoint immediately by law. This would really be construing the constitution like an old pleading, without allowing the benefit of the statutes of feofails. Qui cadit a syllaba, cadit a tota causa. A rational construction, it would seem, would authorise congress to do itself what it can, at its pleasure, authorise an inferior body or an individual to do; but that is not the question. It may be safely admitted, that congress cannot directly by law appoint an officer whom it can authorise an individual to appoint, and yet the difficulty will not occur in this case. This is not the case of an appointment. The magistrates of the state are not, by the act of congress, constituted officers of the United States. They are merely authorised to do a certain act. The case may be easily conceived in which a magistrate of a foreign state may, by act of congress, be authorised to exercise an equivalent power. That it is not an appointment, in the sense of the constitution, will be proved by reference to the undisputed practice of some of the state governments.

The constitution of Pennsylvania provides that the governor shall appoint justices of the peace (article 5. sec. 10.) and that they shall be commissioned during good behaviour. But by an act of the legislature of that state, passed 20th March, 1810, all the powers of justices of the peace, are vested in all the aldermen of the city of Philadelphia, who, I believe, are elected annually by the people of that city.

So, in New York, justices of the

peace are appointed by the governor and council, according to the express requisition of the constitution, and hold their offices during the pleasure of the governor and council. But by act of the legislature of that state (2d vol. Laws of New York, 508.) the aldermen of the cities of New York, Albany and Hudson, are vested with the same powers as justices of the peace.

By the constitution of South Carolina, justices of the peace shall be nominated by the senate and house of representatives, jointly, and commissioned by the governor (1 Brevard 568, 2 Brevard 175.) Yet the clerks of the courts, the wardens of the city of Charleston, and many other officers of the state, are vested, by act of the legislature, with the powers of justices of the peace. The like case probably occurs in almost every state of the union, and the argument of unconstitutionality, which we are now examining, will equally apply to them all.

I am then satisfied that, in relation to the case before me, the 33d section of the act of congress, commonly called the Judiciary Act, is constitutional and expedient, though I reject the argument of expediency from the grounds on which I rest my decision. It is not a case in which I have a right to weigh it.

3d. I might here leave the case, but I deem it proper to consider the third ground. I think I have no jurisdiction over the case. I am aware of but three cases in which this question had been made. The case of Almeida already mentioned; the case of Emanuel Roberts, (2 Hall's Law Journal 192) in Maryland; and the case of Jeremiah Ferguson, in New York (6 Johns. Rep. 239.) In the first case, jurisdiction was assumed and the prisoner discharged. The second was the case of a minor enlisted into the service of the United States, and Nicholson, Ch. J. determined against the jurisdiction. He does, indeed, say, in speaking of an extreme case which was put by counsel, of great oppression and injustice, that he would interpose and discharge the prisoner in the case supposed, but he adds—"If in such a case I should exceed the technical limits of my authority, I should have the approbation of all good men, for resisting oppression under the colour of law." This is certainly no argument in favour of jurisdiction, while the judgment in the case is on the want of it. In the last, which was also the case of a minor, who had been enlisted, the court refused to interfere on other grounds—but chief justice Kent declares explicitly that the state courts have not jurisdiction where the arrest is under the authority of the United States. In this opinion I concur. If there be cases in which the state courts have jurisdiction of the principal matter, I am of opinion they may entertain an incidental or collateral question—they may, therefore, in such cases, release under a writ of habeas corpus, on the ground of illegal confinement, because the prosecution is groundless, or for other sufficient cause.

This authority may, perhaps, be exercised by courts having a superintending power, though they may not have jurisdiction for the purpose of trial, for they have authority to restrain and annul the acts of inferior jurisdictions. But in a case like the present, where the state courts in no case and under no circumstances can take cognizance of the offence charged, to punish or acquit, and where the

functionary appealed to is himself in all questions under the laws of the United States, subject to the control of their high tribunals, all pretence of jurisdiction seems to vanish. I cannot, nor can all the judicial authority of the state, discharge a defendent in a civil suit who has been held to bail in the courts of the United States, however illegal the arrest may be, because I have no jurisdiction—and yet it is seriously imagined that I have, at my chambers, authority to take their criminal jurisdiction, which is, by their laws, expressly exclusive, out of the hands of their tribunals, and to determine the acts of the national legislature unconstitutional and void? Nay more, in this state any two justices of the peace, one of whom shall be of the quorum, have authority to carry the habeas corpus act into execution, and have on the subject all the authority I enjoy. They too, then, have a right to determine on the constitutionality of the acts of congress, and to release those who are amenable to the United States in their criminal courts. But the pretence for all this is, that the liberty of the citizen is to be preserved inviolate. Is it meant by this, that he shall be exempt from all the usual modes of trial instituted for the preservation of that very liberty? That the march of justice is to be divested of every thing staid and sober? That, instead of her solemn and learned judgments, we are to have *pie-poudre* expositions of the great act of our national union? But against whom do we seek this protection? The government of the United States, the government of the people themselves, whose greatest power returns into their hands bienially, and all of it at short intervals. A A government as able, as much bound, and no doubt as willing to protect the citizens as the government of the states. A government, which has its habeas corpus act, and its judges bound under the most solemn sanctions to execute it. A government to which the states constitutionally look up for the preservation of their free institutions. That jealousy which we sometimes see recommended, is bad law and worse policy. I deny that it is inculcated by a true understanding of the constitutions of the states; that is necessary to the preservation of state rights or that it can conduce to national happiness, or national greatness. It may make us busy about some little factious privileges which are in no danger. But a regulated liberty, under the protection of stable institutions, will be best and longest secured to us, by regarding the government of the union in a spirit full of confidence—in a temper devoid of jealousy.

Finally, I am of opinion I have no jurisdiction of the case. Let the prisoner be remanded.

Edward P. Simons, Esq. counsel for the prisoner.

Thomas Parker, Esq. for the United States.

SELECTION

OF

OBITUARY NOTICES.

DR. ADAM FERGUSON, the last of those writers of the 18th century whose works have reflected honour on their age and country, was the youngest son of the Rev. Adam Ferguson, minister of Logierait in Perthshire, where he was born in 1724. After acquiring the rudiments of education at the school of Perth, he removed in 1739 to the university of St. Andrew's, and thence proceeded to Edinburgh. Here he became a member of a small society for literary improvement and philosophical disquisition, in which were enrolled, among others, the distinguished names of Robertson, Blair, Home, Carlyle, and Wedderburne, since better known as Lord Loughborough, and Earl of Rosslyn. After passing through his academical studies with great credit, he became in 1745 chaplain to the 42d regiment then recently raised, in which he remained till 1757. On leaving the regiment, he accepted the situation of private tutor in the family of Lord Bute. In this capacity he continued till 1759, when he was appointed to the chair of natural philosophy in the university of Edinburgh, which he exchanged in 1764 for that of moral philosophy. In 1767, he published his "History of Civil Society," 4to, which obtained for the author a place among the first literati of his country, and the degree of Doctor of Laws. In the same year he married Miss Burnet, (a niece of the celebrated Dr. Black,) by whom he had a numerous family. His "Institutes of Moral Philosophy, or Synopsis of Lectures," published in 1769, served as a text book to his pupils, and presented to others a general chart of science preparatory to the particular delineation of human nature and moral philosophy. In 1773, the literary renown of Dr. Ferguson procured for him an application from the friends of Lord Chesterfield, to go abroad with that nobleman as tutor, on a settlement of 200*l.* per annum for life. After an absence of a year and a half, he returned to the Professor's chair. In 1776, Dr. Ferguson answered the tract on Civil and Religious Liberty, by Dr. Price, from whom he differed chiefly on the ground of the inapplicability of his doctrines to society and to imperfect man, as known from experience. In 1778, he being the intimate friend of Dr. Franklin, was selected by Lord North to accompany the Earl of Carlisle, Mr. Eden, (afterwards Lord Auckland,) and Governor Johnstone, appointed Commissioners to treat with the American Congress for concluding a peace with Great Britain, as secretary to the Commission; and on the failure of that mission resum-

ed his former functions. The grand work by which the name of Dr. Ferguson will be handed down to posterity, his "History of the Progress and Termination of the Roman Republic," appeared in 1782, in 3 vols. 4to. Two years afterwards he resigned the chair of moral philosophy, and retired on the salary of the mathematical. He now applied himself to prepare for the press his instructive lectures, which he published in 1793, under the title of "The Principles of Moral and Political Science, being chiefly a retrospect of Lectures delivered in the College of Edinburgh," 2 vols. 4to; and afterwards made a tour in Italy, with a view to collect in the libraries of that country, such materials as might be useful for a new edition of his Roman history, to which he made considerable additions. This was his last literary effort for the public benefit, and indeed his very advanced age justly entitled him to an exemption from farther toils. Dr. Ferguson was not merely a speculative philosopher, but a practical moralist. He was distinguished for integrity, benevolence, and the other qualities of the heart which render the possessor amiable and estimable. Although the salaries of the Edinburgh professors are but small, yet in order to stimulate exertion, his generosity often bestowed gratuitous admission. His income, therefore, was less than it might have been; but a pension from government, together with the returns from his works and other emoluments, rendered him easy in his circumstances, though not opulent. He has left several MSS. presented some years since to a worthy and amiable baronet (Sir John Macpherson,) who had been one of his pupils, and is capable, not only of duly appreciating, but also of illustrating his learned labours, by means of a most interesting correspondence, which lasted for many years.

Died at Cheltenham, Sept. 10th, 1816, in his 81st year, RICHARD REYNOLDS, of Bristol, a member of the Society of Friends; who, in the full possession of those faculties which had long been dedicated with humble piety to the service of his Redeemer, full of faith, of days, of riches, and of honour, was gathered to his fathers, as a shock of corn fully ripe. His remains were interred on the 17th of Sept. in the grave-yard of the Friends' Meeting-house in the Friars, in Rosemary-street, when the most heartfelt testimonies of respect and regret were paid by all ranks to their common benefactor.—Mr. Reynolds was formerly an eminent manufacturer in Bristol; and afterwards in the concern well known by the name of 'The Coalbrooke-Dale Company,' from which he had retired many years. This good man's charities were unparalleled in Bristol since the days of Colston: but they were not confined to that city, for he had agents established in different parts of the country, whose business it was to seek for cases of distress in their respective neighbourhoods, and to recommend them to his consideration: so that thousands, who never heard the name of their benefactor, often partook of his bounty. Such, however, was his singular modesty, such his truly Christian meekness, that no exact estimate can be made of the sums he employed in this way. It is believed that his expenditure in charity was nearer 10,000*l.* per annum than 5000*l.* (as has been stated), and that it

frequently exceeded that sum; indeed it is asserted on good authority, that in one year he expended nearly 20,000*l.* in acts of benevolence. He united, in a remarkable manner, great liberality with just discrimination; and, although the sums he annually distributed were large, yet he never relieved any object without previous investigation; he was therefore seldom imposed upon: and that wealth, of which he only considered himself the steward, was employed almost invariably in aiding the friendless and distressed. His modesty and humility were as distinguished features of his character as his liberality; for, in the practice of his long and well spent life, the precept, "Let not thy right hand know what thy left hand doeth," was strictly fulfilled. The influential example of this excellent man has given the tone to the philanthropic exertions of his fellow-citizens, who have formed a charitable institution to perpetuate his memory. At a general meeting of the inhabitants of Bristol, convened by public advertisement, for that purpose, the following resolutions were unanimously agreed to: 1. That in consequence of the severe loss society has sustained by the death of the venerable Richard Reynolds, and in order to perpetuate as far as may be the great and important benefits he has conferred on the city of Bristol and its vicinity, and to excite others to imitate the example of the departed Philanthropist, an association be formed, under the designation of "*Reynolds' Commemoration Society.*" 2. That the members of this society do consist of life-subscribers of ten guineas or upwards, and annual subscribers of one guinea or upwards. 3. That the object of this Society be, to grant relief to persons in necessitous circumstances, and also occasional assistance to other benevolent institutions in or near this city, to enable them to continue or increase their usefulness; and that especial regard be had to the Samaritan Society, of which Richard Reynolds was the founder. Among numerous testimonies to the excellence of this good man's character from some of the most respectable and enlightened citizens of Bristol, a just, eloquent, and affecting eulogy was pronounced by the Rev. W. Thorp; and the promptness and cordiality with which the infant institution was supported, prove that they did not plead in vain for an imitation of the virtues and benevolence of Richard Reynolds.—A whole-length portrait of this revered man, which during his lifetime was concealed, from regard to his known humility, has been publicly exhibited at Bristol, as well as a half-length, which is about to be engraved; both are esteemed faithful likenesses.

At St. Cloud, the celebrated and favourite representative muse, Mrs. Dorothea Jordan. She had been seized with an inflammation of the lungs, but the more immediate cause of her death was the rupture of a blood-vessel in a fit of coughing. She was the daughter of an Irish officer, of the name of Bland, with whom her mother had eloped from the house of her father, a dignified clergyman, while the captain was on duty with his regiment in Wales. Necessity compelled the youthful pair, it is said, to have recourse to the stage for support; and the little Dorothea first drew her breath among the Thespian corps. The father of Mrs. Jordan, capt.

Bland, was of a very respectable family in Ireland, who were also in possession of a genteel income; his embracing the profession of an actor, therefore, tended to widen the breach already made amongst his relatives by his precipitate marriage: these relatives, at length, succeeded in disannulling the marriage; and Mrs. Bland was left with a numerous family, totally dependent on herself for that inadequate support afforded by her profession. To the honour of Mrs. Jordan's filial affection, as she advanced towards womanhood, she nobly resolved to exert all her abilities to assist her unhappy mother; and at a very early age she procured an engagement with Ryder, the Dublin manager, making her first appearance in *Phœbe*, in *As You Like It*, little imagining then that she would fascinate a crowded audience in London by her *Rosalind*. A natural sense of propriety induced her to take the name of Francis, on her first appearance, in order to avoid wounding the pride of her father's relatives. Daly soon afterwards engaged her for his theatre, in Crow-street, and her favour with the public increased; but some improper conduct towards her, on the part of the manager, obliging her to quit Dublin, she joined the Yorkshire company of Tate Wilkinson, at Leeds. The manager asking her what line she wished to engage in, she immediately answered, with that fascinating frankness and vivacity so natural to her, "All!" she was then first introduced, the same night, as *Calista* in *The Fair Penitent* and *Lucy* in *The Virgin Unmasked*. Her fame soon became known—the applause she received, in whatever character she undertook, was unbounded: she was applied to by the London managers, and engaged at Drury-lane at four pounds a week. *Peggy*, in *The Country Girl*, was her *chef d'œuvre*, and we despair of ever again witnessing the sterling *naïveté* with which she performed that character. Her salary, after performing this part, was immediately doubled, then trebled, and two benefits in the season were allowed her. For a very long period, she continued in the highest receipt of any salary before given at Drury-lane. Soon after her engagement in the metropolis, she lost her mother; but all her relatives have felt the effects of her bounty; for though her maternal fondness certainly first pointed towards her own numerous family, yet her generosity has been extreme to others.

At Verona, of an abscess on the lungs, in her 28th year, the Empress of Austria, second wife of the Emperor Francis. Her majesty was born at Milan on the 14th of December, 1787. Though educated in the retirement of the cloister, and destined by her august parents to take the veil, she showed from earliest youth very extraordinary talents. As the august family of Este was compelled by the French in 1796 to leave Lombardy, the princess, then nine years of age, was also obliged to retire with her parents into the interior of the Austrian states, and at a subsequent period to Neustadt, four (German) miles from Vienna, where her education was completed under the immediate care of her mother, the Archduchess Beatrice, of Este. It was here that the princess, in silent retirement, though still in tender youth, began to take a lively interest in the events which convulsed Europe, in 1799, 1800, &c.—

an interest which gave exercise to her active mind, and early gave her character that fortitude which she so nobly displayed in the eventful years that followed. The oppression of the French tyranny in Germany, and the hatred of Bonaparte, who seemed constantly to brood over the entire ruin of her house, made her his most declared adversary, which she continued till her death. When, in 1807, the emperor chose her for his consort, and she, for the first time, exchanged the retired court of her mother for the brilliant court of the emperor, all hearts eagerly did her homage, and every one who had the happiness to approach her was astonished and delighted with the power of her mind. With modesty, beauty, and calm dignity, she appeared in the imperial palace; and the fairest model of female excellence was seen on the throne by the side of a happy consort who won the faith of his people. Soon after the marriage, which was celebrated January 6, 1808, years of affliction and great suffering for the people of Austria came on, which threatened the destruction of the monarchy. We leave it to posperity duly to appreciate the brilliant and truly heroic qualities shown by her majesty in the sad catastrophe of 1809: for her contemporaries it is enough to know, that the sufferings of Austria at that time so deeply afflicted the heart of the princess, that her health, already weak, was irreparably injured We pass over the wretched pitiful insults with which the French bulletins at that time loaded her, as they did her counterpart, the immortal queen of Prussia, whose eminent qualities were likewise a title to the hatred of Napoleon; and acknowledge the dispensation of Providence, which reserved it for her majesty, as it were, personally to humble her arrogant adversary in the zenith of his good fortune, on his marriage with the Archduchess Maria Louisa, and subsequently at the meeting in Dresden in 1812; where she treated Bonaparte in such a manner, and inspired him with such awe, that as eye-witnesses affirm, he was constantly disconcerted whenever the empress approached him. In 1812 and 1813, on the commencement of the extraordinary events which hastened the fall of Napoleon, the empress showed a truly German spirit. Large sums were distributed by her for the support of the widows of militiamen. She did not forget the sacred interests of her family and of the empire, her whole influence and exertions being directed to restore Austria to its ancient splendour; for which she considered the possession of Lombardy as indispensably necessary. It was granted her by fate to see her family again in possession of their dominions; but her health visibly declined. At the beginning of the congress, when so many European princes had occasion to admire her extraordinary understanding, and the elevation of her character, she was already sickly: yet, a year later, she was not to be dissuaded from taking part in the journey to her native country, which she greatly longed to see, but where fate, to the great grief of her family, put an end to her life by an easy death. Great is her loss for all his majesty's children, especially for the older Archduchesses Leopoldine, Clementine, and Caroline, who lose in her an affectionate mother and a tender friend, who dedicated so many hours to their education; but every Austrian subject must

be allowed to deplore a young princess who so forcibly called to mind the youth of the great Maria Theresa.—*Journal de Frankfort, April* 26.

At Maydown (Armagh,) aged 90, Mr. Arthur O'Neill, professor of the Irish Harp, a pleasing companion, full of anecdote and historical information. He was a perfect *reservoir* of antient Irish harmony. Many of the Irish national airs would have been lost but for his retentive memory and pure taste. His performance on the harp was unrivalled; but he adhered tenaciously to the genuine style and simple taste of the Irish musical compositions, rejecting with disdain the corrupt adscititious ornaments with which it has been loaded by modern performers. Like Ossian, Carolan, and Stanley, he was blind. In Irish genealogy, in heraldry, and in bardic lore, O'Neill was pre-eminent. He was, better than all this, an honest worthy man.—There is an excellent portrait of him in Mr. Bunting's Collection of Irish Airs.

Died, at the Havannah, on the 24th Sept. 1815, Dr. Eusebius Valli. The two following letters, one taken from the French Journal de Paris, and understood to have been written by an eminent savant of that capital; the other from the New York Evening Post; will serve to display at large the extraordinary career and character of the defunct.

Journal de Paris.

Paris, Dec. 4, 1815.

Sir—Chance has made me acquainted in Paris with one of that race of men who are the proper boast of science and humanity. I mean the celebrated Italian physician, Dr. Eusebius Valli, not less conspicuous for his courage and enthusiasm than for his powers of observation and his profound acquirements. He took a voyage to Smyrna in 1786, when only 18 years of age, and in 1803, repaired to Constantinople, with the design which he executed, of catching the plague, in order the better to ascertain its true nature, and the treatment proper for its cure.

As he had remarked that persons seized with the small pox are but little liable to take the plague, or that if they do take it, both diseases cease to be malignant, he conceived the idea of inoculating them reciprocally in order to temper one by the other. He succeeded in the experiment, as he has shown in his account of the plague of Constantinople printed at Mantua. Dr. Valli on another occasion, and from the same spirit of self-devotion, calmly sucked in the poison of a mad dog, to encourage a lady who had just been bitten, and whose imagination was overpowered by the apprehension of the consequences.

This resolute and estimable physician, instigated by the love of his art and of humanity, is now about to proceed to the United States, with the intention of braving the yellow fever, and studying the means of correcting its virulence.

He has, for a long time, bestowed particular attention on the measles, which commit as much havoc as the yellow fever, if not more; and he proposes to inoculate interchangeably in this case, as in the one just mentioned; after having modified the matter of the measles by reactives.

Physicians and all good men should follow this courageous philanthropist with their best wishes

in his pilgrimage to the United States. He will find in that happy country men who will appreciate his character, profit by his experience, and co-operate in his labours. He may carry with him the consolatory reflection that his name will one day be placed by the side of those of his illustrious compatriots, Galvani, Spallanzani, Vacca d'Pisa, in Tuscany; Scarpa of Pavia; Volta and Moscati, of Milan.

A. B.

New York, Nov. 7, 1817.

MR. EDITOR—The inclosed letter I offer you for insertion; interesting, at least, as it evinces the enthusiasm and folly of a celebrated European character. Should you publish it, I must add, that it is not meant to lead to any controversy on questions much discussed before.

You heard, no doubt, last year, of this physician from Florence, professor Eusebius Valli.—He treated us with an admirable experimental lecture on animal electricity, in the college hall. His visit to this country proceeded from the most laudable motive, for inquiry and experiments on the contagious nature of the yellow fever. Regardless of previous dangers, which we warned him against, he has literally fulfilled his promise, to die in the cause, as you will see by the inclosed narrative.

His journal on the plague of Constantinople is interesting, but experimentally inconclusive. We shall present a review of it in our next number of the Medical Repository. We have delayed so to do, lest he might accuse us of being inhospitable. With the same delicacy, we shall withdraw nothing from the respect due to his memory, his great talents and devotion to public good.

I remain, with sentiments of respect, yours, dear sir,

FELIX PASCALIS.

Havannah, Oct 13, 1815.

Dr. Felix Pascalis, New York.

DEAR SIR—I have now the sorrow to announce to you the death of Dr. Valli, on the 24th Sept., of the prevailing epidemic at this season of the year amongst newcomers who visit tropical climates from high latitudes, and commonly called yellow fever.

Dr. Valli arrived at this port on the 7th of September; and as some peculiar circumstances seem to have attended the causes of his sickness and death, I shall give you a detail of them, as they undoubtedly will be interesting.

The day subsequent to Dr. Valli's landing, he did me the honour to make me a visit; and we had a long conversation on the subject of the yellow fever, particularly as it relates to its contagious nature. He enquired of me, whether I had found it contagious in this city; or in other words whether I believed it communicable from one person to another, as is the case in measles, scarlatina, &c.? To which I replied in the negative: that in eight years' practice in this city, I had not seen an instance where I thought the yellow fever had been received in that way. I, however, observed to him, that I had seen this fever on ship-board, where every person, without exception, had sickened of this malady, and sometimes all the officers and seamen sickened nearly at the same time; but that I believed the causes of it to have originated partly from the cargo on board, and the concurrent circumstances of a vitiated state of the atmosphere. Two instances of this description I mentioned, as

having occurred to me two months ago, on board two vessels; one an American vessel, and the other an English vessel, from the Brazils, with cargoes of tasajo, or jerked beef; where all hands sickened of this fever, the commanders excepted, in a few days after the hatches of the vessels were taken off; a part of the sick were removed to sick lodgings on shore, but that neither the nurses or the visitors were subsequently attacked with this fever in consequence; that I heard of some persons, however, who were in the habit of going on board these jerked beef vessels, and I verily believe sickened in consequence. I further observed to the doctor, that under certain circumstances of uncleanliness, when a person is labouring under this disease, such as neglecting to remove the fæcal and other discharges from the apartments of the sick, as soon as discharged; in neglecting to change the body and bed linen often; in consequence of keeping the patient in a confined, damp room, neglecting ventilation and fumigation, and in neglecting to keep the person of the sick cleanly, might cause this fever in persons uninured to a tropical climate, and thus predisposed; more particularly, if they visited the apartments of the sick with an empty stomach.

I observed also, that I had seen people who had sickened of this disorder, and believed it to have been occasioned entirely by over fatigue in walking in the hot sun; and others from the impure state of the atmosphere at certain seasons of the year in and about this city. Moreover, that I had found many of those persons, who were the most remarkable for temperance in their diet, both in eating and drinking, to be equally, if not more susceptible of this fever, than those persons who drink their wine, brandy and water, and otherwise live as freely, but not intemperately, as in their native, high, northern climates; and that there were many other causes of a minor consideration, that predisposed strangers to sicken of this fever.

The doctor seemed to be of opinion, that the yellow fever had been as contagious in some parts of Europe, Africa, and Asia, as some other maladies acknowledged by all the faculty to be really contagious; but he believed it to be otherwise in other parts. He observed that he should make some experiments on himself, in regard to this subject, before he left the city of Havannah, to be satisfied on these points.

Accordingly, enthusiastic in his cause, he commenced he experiments by visiting all the dirty, filthy parts of the city and its suburbs in the heat of a vertical sun, when the thermometer was ranging in the day from 81 to 85 degrees Fahrenheit (never below 81 at night); and about the time the doctor arrived, we had considerable falls of rain for several days successively, which afforded him abundant sources in speculation in various parts of the city, from the 10th to the 21st September particularly; as the weather was fair every day but one during this time, and remarkably hot, as was observed by every body.

In his perambulations about the city in this vertical sun, in one of which I walked with him, he could not possibly walk ten rods, without observing the excessive neglect of the police of the city, in their want of executing the police laws in regard to cleanliness, which laws, we are informed, are very good, if properly executed. The streets in the south end of the

city, more particularly, are not paved, and are full of deep ruts and hollows, where the water remains stagnant until evaporated by solar rays, and into these ruts and hollows (which are frequently up to a horse's belly in passing through them) the *pots de chambre*, and filth of the kitchen are deposited, as well as dead dogs and other domestic animals. I have seen large dead dogs remain in one of these puddles swelled up until he bursted, and there consumed, contaminating the surrounding atmosphere for many rods. But this putrid effluvia was perfectly indifferent to the surrounding inhabitants, they being the poorer and lower order of Spaniards, and consequently too indolent to remove the causes of it. After a few sun-shiny days a yellowish, greenish scum rises on the surface of these putrid puddles, which are covered with fermented air bubbles; from which exhalations inconceivably noxious arise, capable of inverting the stomach of a new-comer, merely by looking at it.

Various other local causes, as much or more in point, could be adduced to substantiate the local origin of the yellow fever in this city.

Captain Wheeler, of the brig Sea-Island, of New York, with whom Dr. Valli came passenger, informed me, that the doctor on his passage out, was remarkably temperate both in eating and drinking, that he lived principally on soups, vegetables, bread, and wine and water, and brandy and water, and scarcely ever tasted meats of any kind. He followed up the same course of living after he came on shore here, as his friend Don Jose Casimaro Gonzales informed me. It was with this worthy gentleman Dr. Valli lived while in this city. Even if the doctor undertook to eat fresh fish, of which this market has an abundant supply, and some of them very delicious, he swallowed the juice only, and then spit out the fish. In consequence of this spare mode of living, the doctor was literally a walking skeleton.

The last experiment the doctor tried on himself will surprise you more than any thing else. Laying aside the other exciting causes he was daily practising on himself, with the view to render himself the more susceptible of taking the yellow fever, on the 21st of September, 14 days after his arrival in the harbour, and 12 days after his landing in the city (he being obliged to perform some port regulations customary for strangers who arrive here,) the doctor visited the St. John a Dieu, an hospital for the male poor of the city and Spanish and foreign seamen; and he was to have been accompanied by Dr. Valle,* the proto medicato, and Dr. Thomas Romei, two eminent physicians of this city; but from a multiplicity of business these two gentlemen did not meet Dr. Valli at the hospital as appointed; Dr. V. however went through the different apartments of the hospital, examining the various cases in it, but making more particular enquiries after yellow fever patients. Finding out that some foreign sailors were recently dead of this malady, and were then laying in the dead room, he requested permission to see them, which was complied with. When he returned to Don Gonzales (with whom, as

* Valle, a Spanish gentleman; the other is Valli.

I before observed, the doctor lodged,) he related the following experiment he tried on himself. The shirt in which one of the dead men had recently died of the yellow fever was taken of at the doctor's request, which shirt the doctor intended to have put on himself, in contact with his naked body, in the same state in which it was when taken from the dead man, and had been worn by him while he was sick of the fever. The intention was to have tried this experiment before Drs. Valle and Romei, and he waited their arrival for some time; but, being impatient to wait any longer, the doctor rolls up the shirt in the same state it was when taken from the dead man, and rubs it over various parts of his own naked person, such as his breast, face, hands, arms, thighs, &c. smells of it as though it had been a nosegay, and applies different parts of his naked person in contact with the body of the defunct by way of friction for several minutes, after which he returned to his lodgings, just before dinner.

At dinner, he was requested to sit at table and eat his soup as usual. Having been very much gratified with his experiment, as he expressed himself, and being a little fatigued by making himself merry with some young gentlemen in the house, who were new comers, at their foolish fears of catching the yellow fever, having been running after them to rub his hands against theirs, &c.; he said he would drink a glass of wine, and then he should probably be able to ascertain whether his experiment affected him or not. He drank a glass of wine and soon after complained of being indisposed and went to bed. Towards evening he grew worse. He had taken no medicine excepting wine, and rum and water, with a little tincture of bark in it.

At night, or in the following morning, 22d of Sept. Dr. Cameron, a physician who attended the family, was called to visit the doctor. Some trifling medicines were exhibited, little being thought by Dr. C. of his indisposition—though Dr. V. observed himself, as I afterwards understood, as soon as he took sick, that he had the yellow fever and should not survive it. On the 23d, in the morning, Dr. Romei called to see him; as also Dr. Boutefeur and myself. He recognized us, but was evidently sinking under the weight of his disorder; being at that time comatose, with clammy sweats, cool extremities, and a depressed intermitting pulse. On the 24th, at 10 in the forenoon, the doctor expired perfectly easy. It was said he vomited black matter before he died.

You now have, my dear Sir, all the leading facts that I have been made acquainted with, laid before you, in regard to this novel case. I cannot, however, refrain from making some observations, before I close this letter, as it relates to what may have been the causes of this fever in this very eccentric physician and traveller.

Some questions arise with me, whether or not Dr. Valli had not the seeds of this fever sufficiently sown in his system previously to this his last visit at the hospital, being predisposed as a new-comer, never having been in the tropics before? Could not the filthy places he visited as above related, under a hot vertical sun; his mode of diet and consequent debility, superadded to the debilitating effects of a tropical climate, be the causes of having the fever? and is it not highly probable he would have

had it, had he not tried the experiment of the shirt? or was it all these causes combined? or was it the shirt and friction only?

I shall try to get Dr. Valli's manuscripts, if possible, to send you and Dr. Mitchell—as soon as the result is known, it will be the subject of another communication. You are at liberty to make what use you please of this letter, only excuse its imperfections; for I have neither time to correct nor copy.

I remain, dear sir,
Very respectfully,
WM. FROST.

RICHARD BRINSLEY SHERIDAN expired, after a long and severe illness, on the 7th July, 1816, at noon, in the 65th year of his age. The following well-written memoir of this extraordinary person appeared in the Times newspaper of London, July 8.

"The various sensations under which we, with the rest of the world, contemplated the course of this extraordinary man while living, have been so far recalled to us by the recent event of his disease, that we cannot dismiss the account of it like a common place article of the Obituary. We do not strive to check the pangs of grief and pity which mingle with our admiration for a lost son of genius. It is always interesting, whether gratifying or painful, to meditate the history of a distinguished man, and more especially of a man, from the materials of whose character even more of warning than of example may be collected. From the mixture and counteraction of high endowments with vulgar infirmities and unfortunate habits ordinary men derive lessons of candour and contentment. We cease to murmur at any seeming partiality in the distribution of intellectual gifts among mankind, when we see the most useful qualities withheld from or disdained by those upon whom the most splendid ones have been munificently lavished. It extends our charity, and abates our pride, to reflect with calmness on the fate of one who was equally the delight of society, and the grace of literature—whom it has been for many years the fashion to quote as a bold reprover of the selfish spirit of party; and throughout a period fruitful of able men and trying circumstances, as the most popular specimen in the British senate of political consistency, intrepidity, and honour.

Panegyric becomes worthless when it is no longer true—and we do not mean to eulogize Mr. Sheridan in unqualified terms. Neither fact nor principle will bear out the silly adoration with which, for some days past, he has been worshipped by the most furious of his old detractors—by men who seem inclined to pay their debts to his character with usurious interest, as if they were discharging a *post obit* bond.

It is needless to say much on those intellectual powers whose living memorials are formed to command the admiration of every future age. The astonishing talent for observation, and knowledge of character, displayed by Mr. Sheridan, in his dramatic writings, will surprise us more when we recollect that he composed *The Rivals* whilst yet a boy; and that his *School for Scandal* was written at four and twenty. Those who are best acquainted with the history of the stage for an hundred years preceding their appearance, can best appreciate the obligations of the public to an author, whose

dialogue has the spirit of reality without its coarseness—who neither wearies nor offends his audience—but whose sentiment is animated, and his wit refined. His opera is another specimen of various power, which has eclipsed all but one of those which went before it, and all, without exception, of those which have followed. *The Duenna* has but a single rival on the stage; and if the broad licentiousness of the *Beggar's Opera* has given its author the means of indulging a nervous and pregnant vein of satire, to be found in no other English work, Sheridan has combined in the plot and language of his *Duenna* the charms of delicacy, elegance, and ingenuity; and in his songs has discovered a taste and pathos of high poetical beauty.

If we pursue Mr. Sheridan into political life, we shall have equal causes to admire the vigour and versatility of his genius. The field on every side of him was occupied by the ablest men who had appeared in Parliament, for more than half a century. Burke, whose mature mind was richly furnished from the intellectual stores of all ages and of all nations—Pitt and Fox, not left like Sheridan to chance, but trained and moulded into orators and statesmen;—these were formidable checks to the rise of an adventurer not recommended by character nor connexion—never educated for public life—beset by a thousand mischievous habits—crusted over with indolence, and depressed by fortune. Some wondrous internal power buoyed him up, and a temper invulnerable to ordinary attacks left him at all times in possession of his unshaken faculties. In co-operation, therefore, or rivalry, or hostility with the first men of his day, he distinguished himself amongst them by wielding with success the various weapons for which they were respectively celebrated. In flow of diction he yielded not even to Mr. Pitt—in force and acuteness he might justly be compared with the great opposition leader—while in splendour of imagination he equalled Burke, and in its use and management far excelled him. His sarcasms were finer, but less severe, than those by which Mr. Pitt indulged his anger; and the wit displayed by Sheridan in Parliament was, perhaps, from the suavity of his temper, much less sharp than brilliant. But the quality which predominated over all its companions in the mind of Mr. Sheridan was his exquisite and highly finished *taste*. In this rare talent he had no competitor; and this it was which gave such inimitable grace to his expressions, and which, in arguing and declaiming, in eulogy or invective, disposed his thoughts with an effect so full and admirable. We cannot expatiate farther on his rhetorical qualifications than by observing, that he joined to the higher attributes above spoken of, the natural advantages of a clear and melodious voice, a distinct, emphatic, and unaffected utterance, and a manly and becoming action. As Mr. Sheridan has produced a comedy which may be described as nearly the best in our language, so did he by a curious felicity of genius put forth, in his speech on the trial of Hastings, the finest specimen of English senatorial eloquence of which modern times can boast. Of this divine oration, although none but those who heard it can adequately judge, enough remains to justify our praises in the fragments handed down to us by the publications of that period, and in the recorded sentiments of the leaders

of all parties, who hung in rapture and amazement on his words. Mr. Sheridan then reached the pinnacle of his fame. No length of days could add to the celebrity at that moment poured around him, as an orator and statesman of comprehensive and transcendent powers —no human fortune could have surpassed the expectations then formed of his future eminence. Why they have not since been realized, is a question which posterity will not fail to ask. We pass by the details of his parliamentary progress, from the discussions on the regency in 1789, to those on the same subject in 1811. Many important questions, many danger crises, which arose in the long interval between these periods, gave Mr. Sheridan the means to establish for himself an occasional interest with the people of England, distinct from any that could have been derived from mere proofs of talent, or influence of party. On the mutiny at the Nore, he enjoyed the credit of essentially contributing to save the state. Whenever the liberty of the press was attacked, that bulwark of the constitution found in him its most zealous and consistent defender: and when the early burst of Spanish patriotism had raised a strong sympathy throughout this country, it was Mr. Sheridan who first gave form and expression to the feelings which swelled every English heart; and who traced in parliament the natural relation between the support of Spain and the deliverance of Europe. Without instituting a too severe or invidious scrutiny into the justice of those high encomiums which have been passed on Mr. Sheridan's patriotic spirit, we shall merely observe, that one object of our admiration is the exquisite judgment—the dexterity of tact—with which he at all times seized the full tide of public sentiment, and turned it into the proper channel. But it must be acknowledged that the longer he remained in the house of commons, and before the public, the more his personal consequence declined. Mr. Sheridan had never in his happiest days effected any thing by steady application. He was capable of intense, but not of regular study. When public duty or private difficulty urged him, he endured the burden as if asleep under its pressure. At length, when the pain could be no longer borne, he roused himself with one mighty effort, and burst like a lion through the toils. There are reasons for believing that his constitutional indolence began its operation upon his habits at an early age. His very first dramatic scenes were written by snatches, with considerable intervals between them. Convivial pleasures had lively charms for one whose wit was the soul of the table; and the sparkling glass—the medium of social intercourse—had no small share of his affection. These were joys to be indulged without effort: as such they were too well calculated to absorb the time of Mr. Sheridan, and sooner or later to make large encroachments on his character. His attendance in parliament became every year more languid—the *vis inertiæ* more incurable—the plunges by which his genius had now and then extricated him in former times less frequent and more feeble. We never witnessed a contrast much more melancholy than between the brilliant and commanding talent displayed by Mr. Sheridan throughout the first regency discussions, and the low scale of

nerve, activity, and capacity, to which he seemed reduced, when that subject was more recently agitated in parliament. But indolence and intemperance must banish reflection, if not corrected by it; since no man could support the torture of perpetual self-reproach. Aggravated, we fear, by some such causes, the naturally careless temper of Mr. Sheridan became ruinous to all his better hopes and prospects. Without a direct appetite for spending money, he thought not of checking its expenditure. The economy of time was as much disregarded as that of money. All the arrangements, punctualities, and minor obligations of life were forgotten, and the household of Mr. Sheridan was always in a state of nature. His domestic feelings were originally kind, and his manners gentle: but the same bad habits seduced him from the house of commons, and from home; and equally injured him as an agent of the public good, and as a dispenser of private happiness. It is painful, it is mortifying, but it is our sacred duty, to pursue this history to the end. Pecuniary embarrassments often lead men to shifts and expedients—these exhausted, to others of a less doubtful colour. Blunted sensibility—renewed excesses—loss of cast in society—follow each other in melancholy succession, until solitude and darkness close the scene.

It has been made a reproach by some persons, in lamenting Mr. Sheridan's cruel destiny, that "his friends" had not done more for him. We freely and conscientiously declare it as our opinion, that had Mr. Sheridan enjoyed ten receiverships of Cornwall instead of one, he would not have died in affluence. He never would have attained to comfort or independence in his fortune. A vain man may become rich, because his vanity may thirst for only a single mode of gratification. An ambitious man, a *bon vivant*, a sportsman, may severally control their expenses; but a man who is inveterately thoughtless of consequences, and callous to reproof—who knows not when he squanders money, because he feels not those obligations which constitute or direct its uses—such a man it is impossible to rescue from destruction. We go further; we profess not to conjecture to what individuals the above reproach of forgotten friendships has been applied. If against persons of illustrious rank, there never was a more unfounded accusation. Mr. Sheridan throughout his whole life, stood as high as he ought to have done in the quarters alluded to. He received the most substantial proofs of kind and anxious attachment from these personages: and it is to his credit that he was not insensible to their regard. If the mistaken advocates of Mr. Sheridan were so much his enemies as to wish that he had been raised to some elevated office, are they not aware that even one month's active attendance out of twelve he was at all times utterly incapable of giving? But what friends are blamed for neglecting Mr. Sheridan? What *friendships* did he ever form? We more than doubt whether he could fairly claim the rights of friendship with any leader of the Whig administration. We know that he has publicly asserted Mr. Fox to be his friend, and that he has dwelt with much eloquence on the sweets and enjoyments of that connexion: but it has never been our fortune to find out that Mr. Fox had on any public or pri-

vate occasion bound himself by reciprocal pledges. Evidence against the admission of such ties on his part may be drawn from the well-known anecdotes of what occurred within a few days of that statesman's death. The fact is, that a life of conviviality and intemperance seldom favours the cultivation of those better tastes and affections which are necessary to the existence of intimate friendship. That Mr. Sheridan had as many admirers as acquaintances, there is no room to doubt: but they admired only his astonishing powers: there never was a second opinion or feeling as to the unfortunate use which he made of them.

We have now performed an honest duty, and in many particulars an humbling and most distressing one we have found it. Never were such gifts as those which Providence showered upon Mr. Sheridan so abused—never were talents so miserably perverted. The term "greatness" has been most ridiculously, and, in a moral sense, most perniciously applied to the character of one who, to speak charitably of him, was the weakest of men. Had he employed his matchless endowments with but ordinary judgment, nothing in England, hardly any thing in Europe, could have eclipsed his name, or obstructed his progress. It is the peculiar praise and glory of our political constitution, that great abilities may emerge from the meanest station, and seize the first honours of the community. It is the nobler praise, and purer happiness of our moral system, that great vices throw obstacles before the march of ambition, which no force nor superiority of intellect can remove."

Died, in Paris, 4th Jan. 1816, Baron GUYTON DE MORVEAU, Member of the Class of Physical and Mathematical Sciences of the Institute. He was born 4th Jan. 1787. Count Berthollet, the celebrated chemist and member of the same class, pronounced a discourse over his grave. Guyton de Morveau was a genius of the first order, and some judgment may be formed of his merit from the following account of him drawn from a periodical publication.

Guyton de Moreau was one of the most extraordinary men of the age, both for the prodigious extent of his acquirements, and the versatility of his powers. His history is exceedingly curious. He was before the revolution, attorney general in the parliament of Dijon, and at the head of the bar in his native province. He was sent to the legislative assembly in 1789, and became first the secretary, and then president of that body in 1792. Here he distinguished himself as a financier, and as a most infuriate republican. In the convention of which he was made a member, he co-operated zealously in all the views and atrocities of jacobinism, and voted for the death of the king with marked asperity. He afterwards acted as secretary of the convention. As a member of the committee of public safety, he was sent by the convention to the army of the Moselle, to superintend the aerostatic expeditions, and at the battle of Fleurus was seen hovering over the French army in a balloon. He became subsequently a member of the council of five hundred, and was there conspicuous in the department of finance, and of internal navigation. He presented at the same time various and very able reports, on ques-

tions connected with the physical sciences and the arts. In 1800 he was appointed administrator of the mint, and director of the Polytechnic school, and in 1804 an officer of the legion of honour, &c. In 1807 he was president of the first class of the institute, and ranked among the leading chemists of that body. His works are voluminous, and comprise numerous essays on natural philosophy, natural history and chemistry; copious treaties on practical and theoretic chemistry; a dictionary of the same science; several volumes of forensic speeches and of discourses on jurisprudence, and a collection of fugitive poems. All these possess uncommon excellence of their kind. The world owes to him the important discovery of the mode of purifying air by the evaporation of muriatic acid. Guyton was a very small man with a sharp visage, and a most piercing eye. His elocution was sometimes brilliant, and always dignified, easy and energetic.

Died, in Paris, in 1816, at the age of 92, M. TENON, Member of the First Class of the Institute, and of great renown in Surgery and Anatomy. He had contributed chiefly to introduce and extend the practice of inoculation in France, and published many valuable works in all departments of his art. To him were most of the improvements in the condition of the hospitals and poor houses of Paris principally due. He retained to the last his characteristic activity both of mind and body, and seemed to be animated towards the close of his long and beneficent career with a new zeal for the diffusion of knowledge and the amelioration of human life. An eloquent and curious biographical panegyric was pronounced over his grave by Baron Percy, another member of the institute, and a surgeon of equal celebrity.

M. GUILLOTIN, inventor of the celebrated instrument for decapitation, called by his name, died in Paris, in 1816.

M. Guillotin was a physician of eminence at Paris, much esteemed for his humanity, his amiable manners, and a frankness which nothing could intimidate. He was a member of the states general, when this assembly decreed, that the relations of a person guilty of treason, ought not to be involved in the disgrace of the punishment. As public opinion in France attached no disgrace to the relations of a person who was beheaded, M. Guillotin proposed the substitution of this kind of death in place of the usual capital punishment. He was therefore charged with examining the different means by which this had been or could be inflicted, on which he made a learned report. It concluded with recommending the instrument afterwards known by his name, but which was in fact invented many years before. A celebrated mechanician furnished a model of this instrument, in which the edge of the fatal knife was placed horizontally. In this situation, it frequently mutilated the victims without occasioning their death. The edge was afterwards placed obliquely in consequence of a report made to the states general by the secretary of the academy of surgery. Thus improved the machine never failed in effecting its end.

M. Guillotin was at the time of his death a member of the vaccine committee and president of the academy of medicine at Paris.

On the 31st Dec. 1816, MARTIN

HENRY VON KLAPROTH, Professor of Chemistry at Berlin, and by far the most celebrated chemist in Germany, died at a very advanced age. He had been a distinguished writer for at least 40 years; for he published a set of chemical experiments on Copal in the year 1776: Chemistry lies under greater obligations to him than to any other chemist of his time. He devoted himself entirely to analytical chemistry; and to him we are chiefly indebted for the knowledge which we at present possess of the mineral kingdom; and for the formulas employed to develope the constituents of minerals. His labours are consigned in six octavo volumes, under the title of *Beitrage zur Chemischen Kenntniss der Mineralkorper*, the first volume of which was published in 1795 and the last in 1815. He was the discoverer of uranium, and he confirmed and completed the discovery of tellurium and tetanium. He likewise discovered zirconic and mellitic acid.

Died, in Naples, in Jan. 1816. of a fever, Rev. JOHN CHETWODE EUSTACE, the accomplished author of "The Classical Tour in Italy." Few works of equal magnitude, and on a subject unconnected with the feelings or occurrences of the day, ushered into the world by no patronage, and written by a man till then known to a small circle only of friends, ever experienced so rapid a diffusion, or acquired to the author so sudden and extended reputation. His acquaintance was sought by almost all persons in his country, distinguished by rank and talents, and their expectations of pleasure and profit from his society were more than equalled by the amenity of his manners. Dignified without pride, cheerful without levity, in his intercourse with the world, he never for a moment lost sight of his sacred character or its duties, which he fulfilled without ostentatious display or affected concealment. Although his Tour in Italy exhibits not only his extensive acquaintance with classical and polite literature, but his cultivated and refined taste, yet the spirit of Christian morality and benevolence, which breathes in every page, is perhaps its most striking feature; and the same gentleness and candour are conspicuous in his controversial writings. His answer to the charge of the Bishop of Lincoln is remarkable for strong argument, and for freedom of discussion, untinctured by acrimony. His acquirements as a polite scholar, and the elegance of his style, are well known to the numerous readers of his published works. His friends alone know that his poetical talents were of a higher order. He had made considerable progress in a didactic poem on the Culture of the Youthful Mind: which diffidence alone had prevented him from finishing, but which, in the opinion of those who had seen it, and who were well qualified to judge of its merits, would have added much to his already high reputation.

Amidst his other pursuits, he had deeply studied the English constitution, and none could more warmly admire or strongly feel its excellence. His political sentiments were those of the men designated by the title of Old Whigs; equally abhorrent of the debasement of arbitrary sway, and the wild uncurbed wanderings of democratic fanaticism. Mr. Eustace, it is well known, was a member of the Romish Church; but such a member, as commanded the respect, and even the affection, of

persons of the most discordant religious sentiments. In June, 1814, he accompanied Lord Carrington in an excursion to Paris. From the specimens of his literary talent already before the public, it is much to be regretted that he had not commenced author earlier in life: the cause of this is to be attributed partly to the native modesty of his disposition, and perhaps to an unconsciousness of his own powers. He was likewise the author of two small anonymous publications—1. A Political Catechism, adapted to the present moment, 1810, 8vo.; and 2, The Proofs of Christianity, 1814, 12mo.

At Pisa, in Tuscany, March 19, 1816, in the 86th year of his age, died PHILIP MAZZEI, author of a political and historical work on North America.

Mazzei was descended of respectable parentage in Tuscany, and received the best education its universities afforded. He early applied himself to medicine, a science, however, to which he was not attached, and it does not appear that he made any great acquisitions in it. Endued with a mind free and independent, and disdaining to reside in a country where superstition and despotism formed a barrier to all generous efforts in the cause of freedom and liberty, his affections were soon alienated from the place which gave him birth.

After travelling over the eastern part of Europe and acquiring a little fortune by trade, he established himself in business at London. But the ordinary routine of commercial transactions, was little calculated to engross a mind like that of Mazzei's—better suited to the cabinet than the counting room.

The rising colonies of Great Britain attracted his notice, and he was induced to embark his fortune for Virginia, where he attempted to introduce the culture of the vine and olive, and other fruits of his native country. Hostilities soon broke out, in which Mazzei manifested an enthusiastic zeal for the cause of his adopted country. In 1779 he was sent by the state of Virginia on a secret mission to Europe. In 1785 he returned to America, but re-embarked immediately afterwards for France. In 1788 we find him at Paris, among the corps diplomatique, in the service of the king of Poland. The revolution in France drove him to Warsaw, where he was made privy counsellor to Stanislaus Augustus. The subsequent dismemberment of Poland, and the troubles of its virtuous monarch, were productive of many changes in the lot of Mazzei, who finally retired to Pisa, in Italy, where, from a life of temperance, and a happy climate, he lived to an advanced age.

Mazzei was a distinguished politician. In principles he was a republican, and a confessed enemy to all tyrants, whether of church or state. His work on America furnishes ample proofs of his adherence to the best principles in politics. He was possessed of great ingenuousness of character and simplicity of manners.

His knowledge of mankind was extensive, and he was a profound adept in the science of human nature. He numbered among his friends and correspondents the first men of Europe and America. Towards the United States his affections were entirely devoted, and his principal consolation, in the decline of life, was derived from seeing that country flourish, of which he was proud to consider himself an adopted citizen.

Died, in Belgrave Place, Pimlico, September 6, 1816, in his 80th year, Mr. THOMAS CLARK, proprietor of Exeter Change, and occupier with the sale of cutlery, turnery, &c. of about one half of that extensive range of building. He was brought up under his father, who farmed his own estate near Coventry of about 30 acres of land. At the age of 22 he came to London, and got a place as a porter, in which situation he saved a little money; and on the death of his father acquired 200*l.* with which he went into partnership in trade, was unfortunate, and lost all: except the character of an honest man, which he was in the strictest sense of the word. He soon got another porter's place, and by a rigid economy, saved enough to take a stick-shop at the corner of Exeter Change; and from that period he gradually prospered in his circumstances. After a time, he purchased the Menagerie, and used to give customers a ticket to see the lions, &c. His dealings were marked with the utmost integrity, and he realized a fortune estimated at 300,000*l.*

Died, in Amsterdam, aged 107, MOSES GOMEZ CARVALHO, a Jew, born in Portugal in 1706, and who emigrated from thence in 1729, on account of his religion. He was twice married, and had many children; of whom the eldest died when 78 years of age, and the youngest is only 22 years; both were the children of his first wife. His second wife was delivered in 1798 of a son, who died shortly after. In 1804, he had seen his fifth generation, in the person of a great grandson. The deceased enjoyed all his faculties until the moment of his death, never having lost a tooth, and never having worn spectacles. His drink was milk and water.

Died, Dec. 1816, at Exeter, England, in his 86th year, Mr. JOHN LAND, of the New London Inn. He was the oldest, and supposed to be nearly the richest innkeeper in the kingdom. To the Devon and Exeter Hospital he has left 500*l.* His remains were interred with much funeral pomp. The hearse, drawn by six horses, was followed by eight coaches and four, 15 post chaises, and 160 gentlemen on horseback.

At Vienna, aged 44, DIETRICH, a coach-maker, who has left four millions of florins to his two daughters, which prodigious sum he gained by carriages for the army.

At Vienna, OELSAM, the richest publican in that city, and doubtless in all Austria. He has left above three millions of Austrian money, the fruit of industry and economy. He had been a dealer in wine above 30 years, and began with a very little public-house.

At Pest, BREDERMAN, a Jew, who has left property of eight millions of florins, which he acquired chiefly by contracts twenty years ago. He went from house to house with a bundle at his back. He offered Dr. Frank, a physician at Vienna, half a million to prolong his life.

From the Port Folio.

ALEXANDER JAMES DALLAS, ESQ.

The following brief sketch of some prominent features in the biography of the late Mr. Dallas, is formed from authentic materi-

als. A more full account of his life is expected at some future day to be given to the world, with a selection from his various literary and professional productions.

Alexander James Dallas was born on the 21st of June, 1759, in the island of Jamaica. When quite young he was sent by his father to school at Edinburgh. He was afterwards at Westminster school, and was for some time a pupil of Elphinstone, who is known as the translator of Dr. Johnson's mottoes to his periodical essays.

His father, Robert Dallas, was a native of Scotland, and a very eminent physician in the island of Jamaica. He was wealthy, and his son lived in the expectation of inheriting from him an ample estate. In 1780 the latter married a lady of Devonshire, England.

In 1781, after the death of his father, he left England, for Jamaica, accompanied by his wife. Instead, however, of his expectations being fulfilled, it was found that the whole of Dr. Dallas's large property was left at the mercy of his widow, who afterwards married again, and no part of the property ever came to the rest of the family.

He left Jamaica in the month of April, 1783, and arrived at New York on the 7th of June, in the same year, and at Philadelphia a week after. This voyage was undertaken simply with a view to a temporary residence of a month or two, for the benefit of the health of Mrs. Dallas, and not from any political feeling or motive, as has been erroneously stated in some of our newspapers. His political opinions were formed here: nor is it to be wondered that strong republican sentiments should take root in a young and ardent mind, just arrived on a soil which had so lately been the scene of so many heroic exploits and splendid efforts in the cause of liberty.

His determination however to remain, and to take a share in the destiny of a young and growing country, seems to have been almost instantaneously formed: and accordingly on the 17th of June, three days after, he took the oath of allegiance to the state of Pennsylvania before Plunket Fleeson, Esq He has ever since resided in Philadelphia, except while acting at Washington as secretary of the treasury.

Besides his talents and his singular industry, he brought with him to Philadelphia (with the exception of two introductory letters, one to Robert Morris, the other to Mr. Bingham,) only some commissions which had been presented to him in his native island and in England. These were, that of lieutenant in a regiment of militia forces of the county of Cornwall, in August 1778—that of captain in the same in June 1779—and a commission of master in chancery, presented to him in Oct. 1781 by the governor of Jamaica, which latter was considered as complimentary to a young man of talents, and given to induce him to remain in the island, with the prospect of early professional business and emoluments

For some time after his arrival in Philadelphia he was engaged in preparing himself for admission to the bar, which required in a case like his, a study of two years in the state. This he accomplished, and in July 1785 was admitted to practise in the supreme court of Pennsylvania: and in the course of four or five years gradually became a practitioner in the courts of the United States.

During this period his practice

not being extensive, he prepared his Reports for the press, and occupied himself in various literary undertakings. Many of the productions in the magazines of that day, were from the pen of Mr. Dallas. Of the Columbian Magazine he was at one period the editor. His productions will bear a comparison with those of his cotemporaries: and this will be thought no small praise to the pen of a young man, when it is recollected that the labours of Franklin, Rush, and Hopkinson adorned the columns of those fugitive publications.

On the 19th January, 1791, he was appointed secretary of the commonwealth of Pennsylvania, by governor Mifflin, a man for whom, till the day of his death, he entertained the kindest affection and sentiments of the most lively gratude.

This important and dignified situation brought Mr. Dallas into public notice, and various honourable testimonials were conferred upon him. Having been chosen a member of the St. George's society in 1789, he was in 1791 elected a member of the American Philosophical society; in 1793 of the Hibernian society, and in 1794 a trustee of the University. In 1795 he was chosen an honorary member of the "Columbianum or American college for the encouragement of painting, sculpture, architecture, perspective, engraving, and such collateral branches of them as are relatively connected therewith." Of this institution we know nothing but the name. It serves however to show that he was at that early period what he continued to be in every situation, a friend of the liberal arts, and prompt to aid and promote them.

In December 1793 his commission of secretary of this commonwealth was renewed by governor Mifflin. Not long after he was appointed paymaster general of the forces that marched to the westward, and accompanied the expedition to Pittsburgh. In the management of the whole of this important office he was eminently active and useful. In December 1796 the trust of secretary was again confided to him. His intimate connection with the executive of Pennsylvania for so long a period, necessarily gave him an opportunity of attaining a knowlege of the public men and of the public affairs of this state, which occurs to but few. While he held this office he published an edition of the laws of the commonwealth, accompanied with notes.

On the election of governor M'Kean, in 1799, Mr. Dallas received the commission of secretary of state for the fourth time. This he held until the month of March 1801, when upon the election of Mr. Jefferson, he was appointed attorney of the United States for the eastern district of Pennsylvania, and resigned his secretaryship. This commission was confirmed by the senate in 1802, and he continued connected in this way with the government of the United States until his removal to Washington.

On the 26th July, 1801, he was appointed by governor M'Kean recorder of the city of Philadelphia, but resigned shortly after in consequence of the *incompatible law*, as it has been called, which was enacted by the state of Pennsylvania.

In the politics of this country he had taken an early part, and he continued to take an active and zealous one till the last period of his life. He was uniformly a re-

publican, and acted with and supported the politics which have predominated in this country since the first election of Mr. Jefferson. With these, however, his profession, to which he intimately devoted himself, went hand in hand, and so early as April 1798, a number of citizens honoured his professional exertions in the case of the contested election of Israel Israel, with a piece of plate, bearing the following inscription:

To citizen Alexander J. Dallas,
As a testimony of his able and distinguished defence of the Right of Suffrage in the trial of the contested election before the committee of the Senate of Pennsylvania, in February, 1798.

Other situations which he held might be mentioned, such as that of commissioner of bankrupts during part of the period of Mr. Jefferson's presidency. These, however, are too subordinate to notice.

On the 6th October, 1814, he was appointed secretary of the treasury of the United States. The circumstances of the time when he embarked in this new and difficult situation, the boldness with which he assumed its responsibilities, the energetic traits of character which he displayed, and the general confidence and approbation with which his career was accompanied, are fresh in the recoltions of all.

On the 13th of March, 1815, he undertook the additional and very delicate trust of secretary of war, and performed with acknowledged success the invidious task of reducing the army of the United States.

In the month of November, 1816, peace being restored, the finances arranged, the embarrassment of the circulating medium daily diminishing and soon to disappear under the influence of the bank which it had so long been his labour to establish, his property insufficient to defray the expenses of his situation, with a family still dependent on him, he resigned his honourable station, and returned to his practice of the law in this city. Here he entered upon professional business with the zeal and ardour of youth. His business was immense, and his talents as an advocate were held in requisition not only at home, but from almost every quarter of the union.

In the midst however of prospects more brilliant than he had ever witnessed, and while indulging in the fond belief that a few years of exertion would secure to his family a handsome competency in case of his loss, death suddenly closed his career. Exposure to cold, and great professional exertion in a very important cause, brought on an attack of the gout in his stomach, at Trenton, of which he died on the 16th of January, 1817, a few hours after reaching his home.

His property was exceedingly diminished by his residence at Washington. Liberal and hospitable in Philadelphia, where his house was ever the agreeable resort of friends and of strangers, he could not change to a cool calculating parsimony, when placed in one of the highest offices of the government. His generosity and kindness far outran his salary.

Mr. Dallas possessed a mind highly gifted by nature and richly cultivated with a variety of knowledge. An early and frequent habit of writing had made him prompt in the use of his pen and uncommonly elegant in his style. His productions are chaste and perspicuous: seldom ornamented with figures, but when introduced they

are used with a happy effect. Easy and simple however as his compositions appear, he was exceedingly curious in the choice of words, and often corrected before he finished. His situations in the government of Pennsylvania and the United States, and his acquaintance with public men, stored his mind with political knowledge, which he was ever ready to communicate, and he was remarkably pleasing in his mode of doing it. He excelled in conversation, which he could adapt to every person, and always fixed attention. His manners were highly polished and agreeable. As an advocate he was learned, ingenious, and excursive, at times very eloquent, but he had occasionally the fault of too much diffuseness. He shone as an orator in a public meeting, where in the course of his life he was often called on to speak. In the high office he filled towards the close of his life, he displayed an energy of conduct not generally anticipated, and a versatility of talent that proved his mind to be capable of grasping whatever subject it attempted. His character as a statesman appeared of the highest order—bold, comprehensive, and profound, and his loss is justly considered as a national one.

The best known of his numerous productions are the following:

Reports of cases decided in the courts of Pennsylvania, 4 vols.

The edition of the Laws of Pennsylvania, with notes.

Features of Jay's Treaty.

Speeches on the Trial of Blount, and on the Impeachment of the Judges of the Supreme Court of Pennsylvania (taken by other hands.

Address of the Society of Constitutional Republicans in 1805.

Exposition of the causes and character of the late war.

He left also, unfinished, sketches of a history of Pennsylvania.

Boston, May 11, 1816.

HON. SAMUEL DEXTER, L. L. D.

"*In nostra civitate, amplissimus quisque et clarissimus vir.*"

The candidate is withdrawn ere the canvass has closed. "What shadows we are, and what shadows we pursue!"

It was at Athens, the public are apprised, that event took place which has deprived for ever his family of the countenance, society of the substantial support, and his country of the services of Samuel Dexter.

To that village the deceased, it seems, had repaired on a visit to a son just commencing there his establishment for life. Parental presence consecrates, on such an occasion, filial felicity, and the son was at once blest and an orphan.—Mr. Dexter reached Athens on the Tuesday of last week, and on Saturday morning was a corpse. The physicians pronounced his complaint the scarlet fever. Himself was satisfied, as were those of his family about him, that it was the epidemic prevalent at Washington, whence he had probably brought away the seeds of it. A similar mistake of the faculty occurred in the last sickness of General Washington, who perished from the same disorder. On Thursday, Mr. Dexter was aware of his dissolution, and made some final arrangements of personal concerns. From this time until the agonies of death were upon him, the Christian appears to have waited with calm composure, the coming of the shock that was to sunder soul from

body; and to have encouraged, from the example of his own resignation, his family around "to bow with reverence to Him who maketh darkness his pavilion."

Mr. Dexter was the second son of the Hon. Samuel Dexter, a merchant of Boston, where this son was born, a representative and counsellor of the province, and by his death the founder of the Dexter professorship in Harvard University. (Anthol. July, 1810.)—The grandfather was a respected clergyman. The father was a man of eminent understanding, and is thought to have been the "*Luco*," who advocated so ably Governor Bowdoin's election. As counsellor of the province, he was negatived by the governor, until, so constantly was he elected, it was thought prudent not to persist. In 1774, however, his was the signal honour of being negatived by Gage, in company with Bowdoin and Winthrop, from the "express commands of his majesty." The pen of this statesman is to be traced in the previous answers to the governors' speeches, and in the various state papers of the day, which have so long been the theme of general admiration for perspicuous argument, respectful remonstrance, and temperate firmness. In his more advanced years metaphysics was his favourite study; and the Priestleian theology the subject in which he is understood to have been profoundly versed.

His son Samuel was prepared for the University under the care of the Rev. Aaron Putnam, of Pomfret, (Conn.) a distinguished classical scholar, and of high repute for the talent of tuition. He was admitted at Cambridge in 1777, and produced at one of its exhibitions a poem; a handsome, and, for that time of life, an uncommonly matured performance; and, in taking his degree he was cast to the first honour of the day. The last literary distinction, the degree of Doctor of Laws, was conferred on him by his illustrious mother the year before last, a compliment the more marked from its singleness, as he was the only individual to whom this degree was assigned that year.

As in political life at Philadelphia he occasionally engaged in trials of magnitude, so his professional employments here were sometimes made to yield to political requisitions. To Governors Strong and Sullivan, Mr. Dexter was successively counsellor.

One of the government of Harvard University in 1804, he was active in effecting the election of Mr. Ames to the vacant office of President. He always had the interests of this institution at heart, and did the state service in promoting them.

The prerogative of the mind of Mr. Dexter was a right on all subjects to think for itself. A second war with Great Britain was declared, and on this question and the points incidental, Mr. Dexter separated from his party.

Death has precluded that full vindication of his motives which his future conduct might have exhibited. He charged the times with changing, and the times retorted upon him. Be it for other times to settle the question!

Commerce owes him obligations for the decided stand he took against a perpetual embargo. "Unconstitutional" was the anathema fulminated against it by him in all courts and public bodies. Cato closed all his speeches with the words, "Carthage must be destroyed." "The embargo is unconstitutional and may not be obeyed,"

were for some time the words of Mr. Dexter. His voice was heard at the capitol; and if ever this experiment is again to be hazarded on a maritime people, it will be in a manner essentially different.

The throb with which his patriot heart beat high at the naval successes of his countrymen, will long be remembered.

Mr. Dexter was Senator and Counsellor of this Commonwealth; Representative and Senator in Congress; Secretary of War and the Treasury; member of the American Academy, and Doctor of Laws.

He died aged 54. Famed in life, he was fortunate in death. He died in the full favour of his faculties and vigour of life. Probably among his greatest exertions were those then recently made in the Supreme Court of the Union against Mr. Pinkney.

As a Christian he was exemplary in his attendance on public worship, and deeply grounded in his faith. Religious subjects were peculiarly congenial to his mind, and received much of his attention. He was in the habit of retiring, "the world shut out," and from time of abstracting himself to eternity.

Such was Samuel Dexter. What a void does the death of this single individual leave in the community, and when may we reasonably expect it will be filled as before?

From the Analectic Magazine.

Died, on the 8th January, 1817, at Yale College, in Connecticut, the Rev. TIMOTHY DWIGHT.

Few men, in our country, have, for the last thirty-five years, filled a larger space in the view of the literary and religious public, than the late president Dwight.

He was born at Northampton, in the state of Massachusetts, May, 1752. The family, from which he descended, is, we understand, one of the oldest in that commonwealth. His father, Timothy Dwight, was a gentleman of liberal education, of great respectability of character, and particularly distinguished for the scrupulous integrity with which he discharged every relative duty. His mother was a daughter of the Rev. Jonathan Edwards, President of the College at Princeton, New Jersey,—so extensively known as a metaphysician and divine. Their oldest child, Timothy, the subject of this sketch, was early noticed as a boy of uncommon sprightliness, and of great quickness of apprehension. His acquisition of the elements of learning was so rapid, that before the age of four, he could read, as an exercise, a chapter in the Bible, with ease and propriety. He was early put under the instruction of the Rev. Enoch Huntingdon, of Middletown, Connecticut,—a gentleman of great classical attainments; and, at the age of thirteen years, was admitted into the freshman class of Yale college.

He took the degree of bachelor of arts in 1769, at the age of seventeen. As might be expected, from the character he had maintained as an undergraduate, he left colledge with a high reputation, not only as a young man of brilliant talents, but of the most solid and valuable acquirements. From his commencing bachelor of arts, till he was elected a tutor of the college, he spent his time, partly with his friends at Northampton,—partly as an instructor in the classical school in New Haven,—and partly in college pursuing his studies as a resident graduate. What was the course of his studies, during this interval, and what success at-

tended them, appears from an oration exhibited by him at the commencement of 1772, when he was admitted to a master's degree. This scholastic exercise was received with unprecedented applause; and, as the performance of a youth of twenty, was universally considered as evidence of uncommon research, great correctness of taste and maturity of judgment. By the advice of his friends, this oration was soon published, entitled 'a Dissertation on the History, Eloquence, and Poetry of the Bible." This was his first publication; and is a subject which he ever afterwards delighted to contemplate. It strongly exhibits some of the peculiar features of his mind, and shows the course of study which he very early adopted.

At the commencement of 1771, he was elected a tutor of the college,—the duties of which station he discharged, for six years, with great fidelity and success.

Mr. Dwight distinguished himself in every branch; and it may be said, without hazard of mistake or contradiction, that no tutor in Yale college ever received more unqualified applause as an instructor. His instructions seem to have had, at this time, substantially the same character as they are known to so many to have had after he came to the presidency. Every thing he said was peculiarly adapted to the circumstances of those he taught. He endeavoured to render his instructions practical; to convince his pupils that they were preparing themselves for active life, and that whatever they learnt would, directly or indirectly, contribute to their success.

He married, in the year 1776, Miss Mary Woolsey, daughter of Benjamin Woolsey, Esq. of Long Island; and, the next year, quitted his office of tutor in college. Soon after leaving college, he accepted an offer made to him to enter the American army as chaplain; and served in this capacity, in the division commanded by General Putnam. This was a scene, in most respects, new to him, and required a very different exercise of talents, from what is demanded in academical instruction and discipline. It is understood, however, that he very easily accommodated himself to his novel circumstances; and recommended himself highly both to the officers and soldiers, as well by his ordinary conversation and deportment, as by the discharge of his appropriate duties.

His continuance with the army, however, was but short. Early in the succeeding year, he was called to Northampton, by the afflicting intelligence of the death of his father.

Mr. Dwight, as his father left a numerous family, which needed his assistance, resided now, for several years, with his mother at Northampton; and discharged, in this situation, every filial and fraternal duty. During this time he established an academy in Northampton, which gained very great reputation. He likewise preached occasionally in the neighbouring towns.

At the close of the revolutionary war, there were many questions deeply interesting to individuals and to the community, which came before the state legislatures; and especially in Massachusetts, where the revolution began. At this difficult time, Mr. Dwight was chosen to represent the town of Northampton, in the General Court at Boston. In the legislature, on several questions of great public expectation, he acquitted himself in a manner highly ho-

nourable to himself, and so as to give the strongest impression of his integrity, and sacred regard to justice. In 1783, he accepted of an invitation to settle as a clergyman, in the parish of Greenfield, in the town of Fairfield in Connecticut; and entered on the laborious duties of parish minister. In Greenfield he continued ten years.

In the year 1785, he published an epic poem in eleven books entitled 'The Conquest of Canaan.' It was brought into the form in which it was finally published in the twenty-fourth year of his age. A subscription of more than three thousand names was at this time obtained to aid in its publication; but the state of public affairs, in connexion with various other causes, induced the author to keep it from the public till the period just mentioned.

In the year 1794, he published Greenfield Hill—a poem in seven parts. This poem has had an extensive circulation; and, for this reason, it is the less necessary to give a more particular account of it here.

While Dr. Dwight resided at Greenfield, his reputation as a preacher, and as a man of literature and splendid talents, was constantly increasing and extending. As a preacher, at this time he was especial distinguished for the clearness of his thoughts, for the copiousness and elegance of his diction, and for the distinctness and fervour of his elocution. Hence he was often solicited to officiate on public occasions of great interest; and, on no such occasion, ever disappointed the expectations of his friends. Soon after his settlement at Greenfield he delivered a discourse at the ordination of a clergyman in a neighbouring town, which received more than usual applause. This sermon he refused to publish; but manuscript copies of it were taken by his friends, and extensively circulated. One of these copies reached England, and was in possession of Cowper. It is the discourse alluded to in a letter from Cowper to an American correspondent, in the life of that poet by Hayley. 'I return you my thanks, sir,' says he, "for the volumes you sent me, two of which I have read with pleasure, Mr. Edward's book, and the Conquest of Canaan. The rest I have not had time to read, except Dr. Dwight's sermon, which pleased me almost more than any that I have either seen or heard."

Dr. Dwight, during his residence at Greenfield, contributed largely, both in prose and verse, to to a newspaper of a superior literary character published in New Haven, by Mr. Josiah Meigs, afterwards professor of mathematics and natural philosophy in Yale college, and since president of the University of Georgia. Of these communications, it may be proper to particularize a series of papers, in the manner of the British periodical essayist, entitled 'The Friend.' —They possess no inconsiderable excellence, both for style of composition and for selection of topics.

Soon after Dr. Dwight removed to Greenfield, he opened an academy for the reception of youth of both sexes; which soon gained a reputation, perhaps, unparalleled in any similar institution in this country. It was indebted, for its celebrity, to no extraneous aid whatever; and rested, for support, solely on the talents and exertions of the founder.

On the death of President Stiles, in May 1795, the public attention was immediately turned towards

Dr. Dwight, as his successor. He was accordingly elected to the presidency of Yale college, at the first meeting of the corporation; and inducted into office the succeeding September. Under his superintendance the college soon began to flourish beyond all example; and perhaps its reputation was never more extensive than at the time of his death. When he entered on the duties of the presidency, the office of professor of divinity was vacant; and, as several ineffectual attempts had been made to procure a proper incumbent, Dr. Dwight engaged to discharge the duties of this office likewise. A few years after, he was regularly elected to the divinity chair; which he filled, till his death, with unparalleled reputation and success.

Among the literary labours of Dr. Dwight, while in the presidency, may be mentioned, in the first place, his systematic discourses; containing a complete view of theoretical and practical divinity. These discourses he composed with great care, frequently revised them; and has left them prepared for the press. He has left, likewise, in the same state of preparation, many discourses on miscellaneous topics, and several dissertations on subjects connected with the proofs of Christianity and biblical literature. Another work, upon which he bestowed great labour, and which he has left ready for publication, is an account of the States of New England, and the State of New York; collected in various tours through this part of the United States, during the last twenty years of his life. This is a work, in the preparation of which he took much more than usual interest. The work is historical, topographical, and statistical; and will undoubtedly be considered as an invaluable legacy to his country. He has left likewise an original poem, which he completed only a few days before his death. He also took a very active part in the formation of the Connecticut Academy of Arts and Sciences; and, as their printed transactions will show, contributed several papers to the collections of that body.

His mind was evidently formed for the highest efforts of intellectual vigour. His judgment was clear and discriminating; his memory retentive; his imagination strong and active; and his sensibility acute. But, what perhaps chiefly distinguished him, was a mental energy,—a faculty of at once summoning to his aid all the powers of his understanding,—a readiness,—a promptitude, which, on no occasion, deserted him. Hence, as a public speaker he appeared to uncommon advantage; especially in extemporaneous addresses.

As a man of literature his information was various and extensive. It should be here recollected, that from the age of twenty-three or twenty-four, on account of the weakness of his eyes, almost all his reading was done by the aid of others, and almost all his writing by an amanuensis. No person, probably, thought less highly of every species of learning, which is calculated merely for ostentation. His literary acquirements were all designed for practical utility; and were made, in some way, subservient to the purposes of life. No person, perhaps, was more thoroughly read in the poetry and eloquence of the English language; and, generally, in whatever relates to philosophical criticism. He had likewise a strong relish for natural science; was well versed in the

different departments of natural philosophy; and did much towards increasing the means of instruction, in every branch of physics, in the seminary over which he presided.

As a preacher, Dr. Dwight possessed very uncommon excellences,—especially for an academic pulpit. Not confined to a set round of topics, or uniform method of treating them, he easily accommodated himself to the varying circumstances of his audience; consulted their taste; and, by avoiding all unnecessary causes of offence, laboured to render his instructions acceptable. With a person and attitude dignified and commanding,—a voice deep-toned and susceptible of every modulation,—an elocution clear, flowing and impetuous,—he never failed to command the most respectful and profound attention.

As an instructor in the liberal arts and sciences, Dr. Dwight was unrivalled. In communicating useful knowledge, he found his highest gratification. His familiarity with works of taste, and the profound judgment which he exercised in this department of literature, connected with his great copiousness of illustration and fluency of utterance, and a zeal which seemed never to abate,—gave to his rhetorical instructions an interest and importance, which those only who have been his pupils, can duly estimate.

In the government of college, Dr. Dwight was peculiarly successful. It was his object from his entering on the duties of the presidency, to adopt a course of discipline energetic in its character, and at the same time, accommodated, as far as possible, to the popular notions of liberty and personal independence. What success attended his labours, in this important department, is sufficiently shown by the fact, that during the whole period of his presidency,—and for the last fifteen years, the number of students has fluctuated from two hundred to three hundred and twenty, composed of great diversity of character, being collected from almost every state in the union,—no general opposition to the collegiate government has existed, or even a momentary interruption to the regular operation of law.

In private society Dr. Dwight possessed uncommon powers to please and instruct. With an inexhaustible stock of knowledge on almost every subject, and an ease of communication to which a parallel can hardly be found, he easily accommodated his remarks to the character and means of improvement of those with whom he conversed; and seldom failed to excite the highest respect and admiration.

Dr. Dwight possessed from nature a constitution of body unusually firm and vigorous. His health he ever guarded with studious care; and, by temperance and exercise, preserved to the last much of the freshness and activity of youth. About two years before his death, he was attacked with a disorder, which was accompanied with great pain, and which, from the first, threatened the most alarming consequences. The nature of the disease, however, was not correctly understood; and he was led to hope, from the general state of his health, that it would soon yield to medical skill. But all prescriptions were unavailing; and the disease continued to advance with a regular and fatal progress. During the last year of his life, the pain he often endured, was exquisite; and

his robust frame finally sunk under excess of suffering. His patience under the severest agonies of distress, and his resignation to the divine will, were such as suited the character of ardent piety which he had so long sustained.

Philadelphia, Dec. 1816.

PROFESSOR BARTON.

The obsequies of this eminent man, were attended on Thursday by a large concourse of people. The Clergy, the Medical Faculty, the Trustees and Professors of the University, the Medical Students, to the number of about five hundred, together with several distinguished strangers, and a long procession of other respectable persons, accompanied the body to its place of interment, where the funeral service was performed by Bishop White.

To the mere spectator, the occasion, though a melancholy one, was not altogether without its suggestions of another kind.—Such testimonials of respect to the memory of Dr. Barton afforded consolatory evidence of the power of learning, and the weight of talents, in a country which has no other ranks than those created by virtue and worth. The remains of a private individual escorted to the grave, without the influence of opulence or public station, without military pomp or political parade, by an orderly assemblage of the community, bearing silent but sincere witness of the loss they have sustained in the death of such a man, is a spectacle at the same time affecting and agreeable: soothing to the kindred of the deceased, and encouraging to all others. Regret for the bereavement is assuaged by the assurance that society renders its most unequivocal and enviable homage to those merits, which genius, assiduity, and probity, place within the reach of every one of its members.

There are but few, if any, of her offspring, from whose intellectual superiority America has derived more benefit or honour than Dr. Barton. Franklin and Rittenhouse, and Rush and Barton, are names to which the United States can never recur without just exultation. Science and literature are under great obligations to the last of these, who has just followed his predecessors to the tomb. His mind was of the first impression; and he spared no pains upon its finish. He was not one of those who believe that native genius is a substitute for information. Zealous and indefatigable, he never reposed on what he attained, but constantly pressed forward with unabating ardour; and it is said, that the last evening of his existence, feeble as he was, was employed in study and composition.

His health having been impaired within the last few years, and his anxiety being moreover strong to see for himself that interesting portion of the world, with whose scenes and characters he had become familiar through the medium of books, Dr. Barton left Philadelphia last spring for Europe, and after some months passed in France and England returned home lately, like Mr. Bayard —only to die. His stock of constitution seems to have been quite exhausted before his arrival, and he survived his return a very short time. Like Mr. Bayard too, he was of an age when maturity crowns the previous labours with judgment and reason, and when the ordinary duration of life al-

lows the expectation of many years of usefulness. If, instead of being cut off before his fiftieth year, this distinguished person could have enjoyed the common longevity of the temperate and sedendary, mankind would no doubt have been obliged to him for a much more considerable fund of respect and gratitude, large as is the legacy of this sort he has left to his descendants.

The flourishing medical school of Philadelphia sustains an irreparable loss in his disease; his profession loses one of its most celebrated Doctors; and the whole range of the sciences experiences a severe privation.

The following account of the manner of his death and of his general character, is taken from a masterly biographical sketch prepared for the Philadelphia Medical Society by his nephew, Dr. Wm. P. C. Barton.

After his arrival at New York he was violently affected with the distressing symptoms of hydrothorax, and his life for three weeks was despaired of. He was spared however to reach his home in this city, and after a protraction of this indulgence of Heaven long enough to receive the visits of all his relations and friends, near to him, as well as most of his medical brethren of this city, he expired suddenly in the bosom of his family on the morning of the 19th day of December last. He was in fact found dead in his bed. His wife, three hours before, had seen him unusually tranquil in his sleep. He seemed to have a strong presentiment of his approaching dissolution on the evening preceding his decease: for he requested, contrary to his usual custom, that his physician, professor Wistar, should not be admitted to him that night, and refused to have the friction of his legs continued, intimating by his manner his conviction that neither medical advice, nor any remedies, could any longer be of service to him. He possessed his mental faculties, if not wholly unimpaired, at least unusually active and correct, till the last moment that he spoke. Three days before his death, he wrote a memoir on a new genus of plants, named in honour of him, and requested me to make a drawing of one of the species to accompany it.

The ardent thirst for literary fame, which strongly marked the character of Professor Barton through life, rendered him a most indefatigable student from his earliest youth. He read much, wrote a great deal, and contemplated nature with unceasing attention. His numerous publications afford, of themselves, sufficient proofs of an uncommon degree of industry: but besides these, he was long engaged in collecting materials for other works, and preparing some for the press; all of which, it is greatly to be regretted, will now probably be lost to the world.

Amidst his professional avocations, which were numerous—the duties of his station, as a medical teacher, which were arduous—and a considerable portion of his time that was occupied in keeping up an epistolary correspondence with distinguished men of science, as well in the old world as in his own country—amidst all these occupations, it is a matter of surprise, that he could have found a sufficiency of leisure for his multitudinous pursuits in literature and science: and the more especially when it is taken into view, that he was frequently impeded in these pursuits by the privation of health

Natural history and botany were his favourite studies, and in his investigation of these branches of science, he made a conspicuous figure. He employed much research, respecting the origin of the tribes and nations of America, on which subject he has, I am persuaded, left many valuable manuscript materials. He was fond of investigating what may be termed the *antiquities* of this country; and particularly interested in zoological inquiries.

The genius of Dr. Barton was of the highest grade: it was rapid, comprehensive, and brilliant in the extreme. He was well aware of the inefficacy and fruitlessness, however, of its unaided efforts—he did not rely therefore on the native powers of his mind alone, great as they were, but applied himself closely to the business of the closet. He was not only a man of extraordinary industry, but of quick perception, and various information. His genius prompted him to conceive with celerity all the varied and diverse relations of those subjects, to which the bent of his mind more particularly attached him—he was therefore, a rapid writer. He possessed a memory remarkably, nay extraordinarily tenacious and faithful, particularly with respect to facts and chronological events. He never forgot what he once determined to remember: hence he read with great advantage; and though his reading was always desultory, irregular, and to all appearance hasty—he was able to make the most profitable use of it. He possessed a good judgment, much imagination, and a taste for the fine arts.

As a medical teacher, he was eloquent, instructive, and when occasion called for it, quite pathetic. His voice was good, though attenuated, penetrating, and sometimes rather sharp—his enunciation clear and distinct—his pronunciation constrained, and his emphasis, owing to his remarkable kind of punctuation, and a desire to be perspicuously understood, was studied, forced, and often inappropriate.

As a writer he is ingenious, rich in facts, profound in research, and always abounding in useful information. He wanted, however, in a great degree, a talent for generalizing. Hence his various works are characterized by an egregious want of method. or perspicuous arrangement. His style, it must be confessed, is always diffuse, inelegant, and frequently tautological. As he never corrected what he once wrote, or at least but rarely, these defects in his composition were the natural consequence of his vehemence in writing. His punctuation is truly remarkable, and, for a man of his discernment and extensive reading, singularly incorrect.

As a physician, he discovered a mind quick in discriminating diseases, skilful in the application of appropriate remedies, though he certainly was a very cautious if not timid practitioner. No man read more extensively on the subject of diseases—in fact he was deeply versed in pathological knowledge, derived from books.

In figure he was tall, and exceedingly well formed; in middle life he might be considered as having been handsome. His physiognomy was strongly expressive of intelligence, and his eye was remarkably fine and penetrating.

In temperament he was irritable and even choleric. His spirits were irregular, his manners consequently variable, impetuous,

vehement. These repeated vacillations between equanimity and depression, were generally owing to the sudden and repeated attacks of his continual earthly companion —irregular gout.

In familiar conversation he was often elegant, remarkably facetious.

As a parent, he was kind, tender and indulgent.

He possessed some high virtues; among the most elevated of them, was his unaffected love of country.

Died, at Wilmington, in the State of Delaware, on the 6th August, 1815, JAMES A. BAYARD, late one of the American Commissioners at Ghent.

Mr. Bayard was the son of Dr. James A. Bayard, and was born in Philadelphia, in the year 1767. His parents dying while he was yet a child, he was placed under the guardianship of his uncle, the late Colonel John Bayard, of whose family he became a member, and with whom he continued to reside for several years. His education was submitted to the care of the Rev. Mr. Smith, a most respectable clergyman of Picqua, in Lancaster county; and after remaining with him a considerable time, he resumed his studies in his uncle's family with the assistance of a private tutor. There he continued until he was qualified for admission into Princeton college. He retired from college with distinguished honour, and in the reputation which he carried with him into the more extended scenes of life, he gave a pledge of future eminence which has since been nobly and faithfully redeemed.

In the year 1784, Mr. Bayard having selected the profession of the law as the best adapted to his course of reflection, and the most likely to afford an opportunity for the display of acquirements which his industry and intellectual vigour promised soon to master, commenced his studies with the late General Reed, and upon his death, renewed and successfully prosecuted them under the direction of Mr. Ingersoll, the present attorney general of Pennsylvania. On his admission to the bar, he selected the state of Delaware for his place of residence, and the theatre for the pursuit of his professional labours. He soon attained a situation of the most distinguished respectability at the bar, and and participated largely in the honours and emoluments of the profession.

Not long after he arrived at the constitutional age, Mr. Bayard was elected a representative to congress, and remained in public life from that moment through all the vicissitudes of party triumph and defeat, until the time of his death. Actively engaged in political and professional duties, he contrived to reconcile their endless varieties, and evinced a rare and happy aptitude for both: At the same moment one of the most conspicuous supporters of the federal administration, and a leader of acknowledged ability in the house of representatives—and the chief ornament of the forum, where he had chosen to excel: At once the profound jurist and the accomplished statesman; the acute, ingenious, and dexterous advocate, and the eloquent and dignified occupant of the parliamentary floor.

It was the happy and peculiar quality of Mr. Bayard to excite the esteem and command the confidence of both of the great political parties, into which the nation since its independence has been

divided. Though always consistent and firm in the course which he had originally adopted, yet he never sacrificed or rendered subservient the cause of his country to purposes of party ambition or animosity.

He had no party feelings, distinguished from those of patriotism. He always keenly felt for the sufferings, and gloried in the triumphs of his country: his sensibility was actively and constantly alive to her slightest wrongs; and the interest that he felt not only became matured into the keenest perception of what was due to the nation's honour and advantage, but often grew into a morbid and feverish irritability on points of national feeling and concern.

Not long before the close of Mr. Adams's presidential career, he offered to Mr. Bayard the appointment of envoy to the French republic. This, from motives of prudence, he thought proper to decline.

During the session of congress Mr. Bayard was generally at his post, the faithful and constant supporter of principles which he brought with him into public life, and which descended with him to the grave. In the recess of legislative duty and occupation, he successfully pursued his professional avocation, and maintained and enlarged the reputation which he had early acquired.

In the year —— Mr. Bayard was elected by the legislature of Delaware to a place in the senate of the United States; and in that dignified and honourable station, continued for several years, as he had been in the house of representatives, the pure politician and the unbending patriot.

When the intelligence of hostilities reached Europe, the emperor of Russia communicated to both governments an offer of mediation. The American minister at St. Petersburg, and the Russian minister at Washington, were authorized to make known to the proper authorities in America this kind and conciliatory proposal. It was received by the president with a satisfaction that was evinced by unhesitating acceptance; and by the nomination of envoys before any knowledge had been communicated of the concurrence of Great Britain. Commissions were issued, and instructions delivered to James A. Bayard and Albert Gallatin, who were directed to proceed immediately to St. Petersburg.

It was understood at the time of Mr. Bayard's departure, that he had expressed himself perfectly satisfied with the instructions he had received, and conceived them to be compatible with the honour of the nation.

The appointment as minister plenipotentiary and envoy extraordinary to treat with Great Britain for peace, under the mediation of the emperor of Russia, it was impossible that Mr. Bayard should decline. The nomination was as unsolicited as it was deserved. Not an idea of the sort had been suggested to him, and an official letter from the secretary of state, announcing the fact, was the earliest intimation he received of his being in the view of the executive. With a manly resolution to promote the great ends for which he had been appointed, he promptly accepted the trust, and in company with Mr. Gallatin, sailed from Philadelphia on the 9th of May, 1813.

Lord Cathcart had communicated to the Russian court the non-acceptance by the prince regent of the interposition of the emperor as to the question which constituted

the principal object in dispute between the two states, and his readiness nevertheless to nominate plenipotentiaries to treat directly with the American envoys. The schooner Bramble was despatched to America with the view of communicating these circumstances; and proposing at the same time London or Gottenburg as the scene of operations. The proposal was accepted, and Gottenburg was selected as neutral ground.

An arrangement was made, which had been authorized by the instructions, to transfer the negociations from Gottenburg to Ghent; and Mr. Bayard immediately proceeded to that place.

In August the British commissioners arrived at Ghent, and the negociation was opened in due form. Among men of great sagacity, which was called into operation by the pressure of most interesting and important circumstances, all acting with one view to their country's good, and ardently labouring to promote it, a collision was created, from which the most brilliant success must necessarily result. Each one bore an honourable and an active part. The character and qualities of Mr. Bayard, it will readily be believed, gave him a weight and influence in the proceedings which could scarcely be surpassed. A profound thinker, an ingenious reasoner, and an accomplished speaker, he seemed formed for a negociator. The last act of his public life confirmed the expectation of his countrymen, and completed the catalogue of honourable services which he had long before begun.

After the arrangements at Ghent were concluded, Mr. Bayard made a journey to Paris, where he remained until he heard of the ratification of the treaty; and his appointment as envoy to the court of St. Petersburg. This he promptly and absolutely resolved to decline. Peace being obtained, he was perfectly satisfied to resign the honours of diplomacy for the sweets of domestic life.

From Paris Mr. Bayard intended to proceed to England to cooperate in the formation of a commercial treaty, as he was included in the commission despatched for that purpose. An alarming illness, however, prevented him. Active and powerful remedies were not applied in an early stage, and the disease advanced with painful rapidity. Still he flattered himself that he should be able to reach his home, and left Paris on the 10th of May, in a state of extreme debility and suffering. On arriving at Havre he immediately embarked, and the vessel sailed for Plymouth. At that place she was detained for five weeks, during which time Mr. Bayard was unable to leave his birth, but remained in excessive and increasing feebleness, expecting hourly to sail. During all these bodily sufferings, the firmness of his mind never abandoned him. Equally serene on the bed of langour and of pain as he had been during a life of almost uninterrupted health, he cheerfully contemplated the welcome of his expecting family. That melancholy welcome came—but it was only to gild with one ray of comfort his expiring hour. He arrived in America—breathed his native air, and reposed for a moment in the bosom of conjugal and filial love. That moment was his last.—The tears of afflicted friends, and the universal grief of his grateful and admiring countrymen proclaim his eulogy.

Died, at his seat, near New

York, in the month of October, 1816, the Hon. GOUVERNEUR MORRIS, after a short but distressing illness, aged 65; a man equalled but by very few in the brilliancy of his genius and the value of his public services. His family was one of the most antient of the state of New York. The grant for the estate, Morrissania, which he occupied, may be considered as coeval with the surrender of the government by the Dutch to the Enlish in 1664. His grandfather was chief justice of the state, and his father judge of the court of vice admiralty, and both at different periods, members of assembly, taking an active and conspicuous part in the affairs of the colony.

The first appearance of Mr. Morris in public life, was as a member of the *provincial congress* in 1775; and he continued a member, until it ceased on the establishment of a regular government under the constitution, April, 1777; that body having in the meantime, on the declaration of the independence, varied its style to the *convention of the state.*

He was then chosen a member of assembly for the county of West Chester.—It met in September following; and at the same session he was appointed a delegate to congress.

The subject, which more than any other, occupied the provincial congress in 1775, was a *paper currency*, our only *money sinew* of war. —Mr. Morris appeared to have comprehended it throughout, and as it were by intuition, he advanced and maintained opinions new to all;—there were none who did not ultimately perceive and acknowledge them to be just.—They have since become familiar.

The address from the assembly to the governor in answer to his speech at the opening of the session in 1777, written by Mr. Morris, is a model of appropriate style and manner. The report of the committee of congress of 22d April, 1778, in relation to certain printed papers circulated by British emissaries, and the address from congress on the same occasion to the people of the United States, were both the work of Mr. Morris, and may challenge a comparison with any of our state papers. At no period of the revolution was there more cause to be apprehensive for the issue it; and none of the men of that day who now survive, can fail to recollect the effect of the report and address, which were printed and distributed together.

Mr. Morris belonged to the committee who reported on the treaty with France which was read in congress 4th May, 1778. When Dr. Franklin was appointed minister to France, Mr. Morris was chairman of the committee directed to prepare instructions for him. The whole journal of congress, while he was a member of that body, bears testimony to the consideration in which his talents and patriotism were held.

He took his seat in congress 20th January, 1778, and, on the same day was added to the committee to repair to camp to confer with the commander in chief.—The subjects of the conference, are, in general terms, expressed to be, "to promote discipline and economy in the army; to take effectual measures to reduce the number of regiments; and to reform abuses which had too long prevailed in the different departments of the army."

In 1787, residing then in Philadelphia, he was chosen by the legislature of Pennsylvania, a member

of the convention which formed the present constitution of the United States. After it was agreed to in detached parts, it was put into the hands of a committee, Mr. Morris being one of them, to digest and arrange it, and, where it could be done and the sense still preserved, to amend or vary the phraseology; and we owe to him chiefly the form or order, and propriety and perspicuity of language in which it now appears.

During the session of congress of 1792, he was appointed American minister to the court of France, where he was not only well received, but much in the personal esteem and confidence of the king. Mr. Morris had but one opinion of the French revolution from the beginning.—Concealment or change of opinion, was a task too difficult for him. The purport of the one alluded to need not be repeated; it may readily be collected from the circumstance, that when we requested from the revolutionary government, the recall of their minister, they availed themselves of the occasion, and in return requested the recall of Mr. Morris. It being judged prudent to comply, he was recalled.

He returned to his country, and enjoyed its honours. He was chosen one of our senators in congress; and was present, and took a distinguished part in the ever memorable debate on the repeal of the *Judiciary Law*. He was, and from his well-known principles could not fail to be opposed to the repeal.—In one of his speeches he expresses himself thus:—" examine the annals of history—look into the records of time—see what has been the ruin of every republic—the vile love of popularity—Why are we here?—To save the people from their most dangerous enemy, to save them from themselves—What caused the ruin of the republics of Greece and Rome?—Demagogues, who by flattery gained the aid of the people, to establish despotism"—He was answered by a senator from North Carolina—He replied—" The honourable member from North Carolina has informed us there is no check for the overbearing power of the legislature but public opinion; and he has been pleased to notice a sentiment I had uttered; a sentiment which not only fell from my lips, but which flowed from my heart.—It has however been misunderstood and misapplied—After reminding the house of the dangers to which popular governments are exposed from the influence of designing demagogues upon popular passion, I took the liberty to say, that we, the senate the United States, are assembled here to save the people from their most dangerous enemy, to save them from themselves, to guard them from the baneful effects of their own precipitation, their passion, their misguided zeal."—His practice was in conformity with all this—He never sought office—A consciousness in others of his trust worthiness and ability, impelled it to seek him.

There are few to whom we are so much indebted for our independence as to Mr. Morris. His labours were faithful, enlightened, and unwearied. He was remarkable for personal dignity, and equally so for urbanity of character. Nothing could be more impressive than his elocution which was distinguished by the greatest fluency, and the most brilliant colouring. He is to be regretted not only as a fine orator, and an erudite statesman, but as an excellent scholar and a delight-

ful companion. The Christian Religion had taken a strong hold of his mind, as may be seen in the last discourse which he pronounced before the historical society of New York, of which he was vice-president. He venerated the Bible as the true book of knowledge, and studied it, moreover, as the repository of those images and sentiments which are most grateful to a philanthropic spirit and a glowing fancy.

Mr. Morris has often been accused of a predilection for monarchy, owing to his esteem for the house of Bourbon, and his aversion to the revolutionary governments of France. This is an accusation in which his colleagues of the assembly who framed our constitution will hardly concur, and which was belied by all his speculative opinions. The following extract from one of his private letters, written towards the close of his life, will serve to illustrate his true sentiments.

"Those," says he, "who formed our constitution were not blind to its defects. They believed a republican government to be the best. They believed a monarchical form to be neither solid nor durable. They conceived it to be vigorous or feeble, active or slothful, wise or foolish, mild or cruel, just or unjust according to the personal character of the prince. It is a dupery to cite the duration of the French monarchy at eight centuries. In that period, the provinces which lately composed it, passed, by various fortune, from their subjection to Rome through the conquests of Barbarians, the ferociousness of feudal aristocracy and the horrors of anarchy and civil war, to their union under the Bourbons. That union was not consolidated until the soaring spirit of Richelieu and the flexible temper of Mazarin had tamed an indignant nobility to the yoke of obedience. By the vanity, the ambition, and the talents of Louis XIV., France became the terror of Europe. By the facile immorality of the regent and the lasciviousness and feebleness of Louis XV. she sunk almost into contempt. After a few years of distempered existence under the mild and virtuous Louis XVI., the lamp of that boasted monarchy was extinguished in his blood."

At Baltimore, Maryland, in the month of December, 1815, died, the Most Reverend Doctor John Carroll, Archbishop of Baltimore.

The following notices of this excellent personage appeared in the newspapers of that city within a few days after his dissolution.

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When such a man as Archbishop Carroll, dies—a man who filled so large a space in the public eye, and leaves so great a void in the community—something more than a mere notice of the event is justly expected. Without presuming, therefore, at this time to enter into a detailed account of his long and useful life, or to portray at large the features of his distinguished character, a brief and very imperfect biographical memoir of this illustrious individual is now given, which is submitted to the public in the hope and expectation, that it will soon be gratified with a much fuller and more satisfactory account of his life and character, from some more skilful and competent hand.

Archbishop Carroll was born at Upper Marlborough, in the state of Maryland, in the year 1735; and was sent at the age of ten or twelve years, to a grammar school

at Bohemia, in Cecil county. Even at this early period he gave striking presages of his future worth and eminence, by the mildness and innocence of his manners, his docility and assiduity.

From this school he was sent to the college of St. Omers in France, where, after going through the studies of that celebrated institution, with the most distinguished success and honours, he was transferred to the college of Liege, and was there ordained a priest; and after surrendering his patrimonial estate to his brother, he became a member of the society of Jesus. Upon the dissolution of that society, he acted as the secretary of the dispersed fathers, in their remonstrances with the court of France respecting the temporal interests of the abolished order. For this station, he was peculiarly qualified as well by his distinguished learning and talents, as by the remarkable purity and elegance of his style, in the French as well as Latin language.

He then went to England, and was selected by the late Lord Stourton, (a catholic nobleman) to accompany his son, the present Lord Stourton, as his preceptor and governor, on the tour of Europe, During this tour he wrote a concise and interesting history of England, for the use of his pupil which is still preserved in manuscript. He also kept a journal of his travels which strikingly displays that good sense, sound judgment, and enlightened intelligence which ever distinguished him.

Upon his return to England, he resided for some time in the family of Lord Arundel (another catholic nobleman); but upon the approach of the revolutionary war, he withstood the earnest and pressing solicitations of his noble and beneficent patron, and came back to his native country.

Shortly after his return, at the request of the American congress, he accompanied Dr. Franklin, Charles Carroll of Carrollton (his relative and friend) and the late Judge Chase, on a political mission to Canada. And throughout the arduous and hazardous conflict which ensued, he remained fervently attached to the cause of his country.

He did not at any time, however, neglect his clerical duties, the primary object of his care and solicitude. Upon his arrival in his native country, he lost no time in taking upon himself the laborious care of several catholic congregations widely separated from each other; where his memory is cherished with the most enthusiastic affection.

Some time after the establishment of our independence, the catholic body in this country, (before that time subjected to a spiritual hierachy in England,) solicited the pope, to erect the United States into an episcopal see; and the subject of this memoir was nominated to the sovereign Pontiff as the bishop. There was no hesitation on the part of the pope, to whom his character and talents were well known, in confirming the nomination. At a later and recent period, at the solicitation of the catholic clergy of his diocese, he was raised to the dignity of Archbishop. In the exercise of his sacred functions he displayed a spirit of conciliation, mildness and Christian humility which greatly endeared him to those under his charge.

His manners and deportment in private life were a model of the

clerical character;—dignified yet simple, pious but not austere. This secured him the affectionate attachment of his friends and the respect of all.

In him religion assumed its most attractive and venerable form, and his character conciliated for the body, over which he presided, respect and consideration from the liberal, the enlightened and the virtuous of all ranks and denominations;—for they saw that his life accorded with the benign doctrines of that religion which he professed.

The members of his own church, to whom he was in truth a guide and a father—who daily witnessed the kindness, the beneficence and the tenderness of his heart—who, in the purity of his doctrines and precepts, saw the purity of his own unsullied character—who saw him on his death bed, with the meekness, the patience and the cheerfulness of a saint and a martyr, view the sure and rapid approaches of his own dissolution, concerned not for himself, but anxious only for the welfare of those whom he was so soon to leave—will long remember him with the most profound, heartfelt grief, gratitude and veneration.

He taught us how to live—and Oh, too high
The price of knowledge—*taught us how to die.*

A single trait will suffice to show with how much truth these lines of the poet are applied.—The life of the archbishop was almost at the last ebb, and his surrounding friends were consulting about the manner of his interment. It was understood that there was a book belonging to his library which prescribed the proper ceremonial, and it was ascertained to be in the very chamber, in which he then lay. A clergyman went, as softly as possible, into that chamber in search of it: He did not find it immediately, and the archbishop overheard his footsteps in the room. Without a word having passed, he called to the clergyman, and told him that he knew what he was looking for; that he would find the book in such a position on a certain shelf; and there it was accordingly found.

When we consider that the archbishop was, at this moment, fully sensible of his nearness to the tomb, and that the knowledge that his friends were searching for the volume which explained the established mode of burial for archbishops and other dignitaries of the church, was, above all things, calculated to bring fully and strongly to his thoughts the melancholy and gloomy ideas attendant upon so solemn a service, and *those ideas applicable to his own person*, it is impossible to restrain our admiration, not only of the clearness and precision of his memory, at the age of eighty, but the sublime tranquillity of his spirit, which discoursed of mortality as if he had passed its limits, and regarded the concerns of this world as if he had become already an inhabitant of the other.

Death, the terrors of which he had so often dispelled from the minds of others, had no power to disturb his serene and tranquil soul. But long will his bereaved and disconsolate flock mourn the the loss of him, who was the succour and support of the wretched —who, when this world could afford them nothing on which to lean, turned to him for consolation as their spiritual father.

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The closing solemnities with which the body of the late Archbishop Carroll, was entombed on

Tuesday, brought together a greater crowd than we have ever witnessed on a similar occasion. The great, and the rich, the poor, and the lowly, assembled to pay the last tribute of respect to the memory of this good and illustrious prelate. The chapel which has been so long cherished by his fostering care, was crowded at an early hour, and the multitude who assembled without, seemed rather to indicate that some great public ceremony was to be performed, or some national calamity to be deplored. The corpse of the venerable archbishop, which had laid in state, since the preceding Sunday was now enclosed in the coffin, surmounted by his mitre and pastoral crosier, and surrounded by those emblems which unite the fancy with the heart in solemn devotion. After the celebration of high mass, the procession moved through Saratoga and Franklin-streets, to the chapel of the French seminary, which was designated as the place of interment.—We have never witnessed a funeral procession, where so many of eminent respectability and standing among us followed the train of mourners. —Distinctions of rank, of wealth, of religious opinion were laid aside, in the great testimony of respect to the memory of the man.—Beside the numerous crowd who filled the streets, the windows were thronged with spectators.—The funeral service for the dead was performed at the chapel of the seminary; and the mind already penetrated with regret and deepest sorrow, felt the effect of those religious ceremonies which performed in the same manner, and chaunted in the same language, and tone of voice through succeeding ages, bring together the remotest periods of 1600 years, and present to the mind, some faint image of eternal duration.—The deep tones of the organ and the solemn chant of the choiristers seemed to the excited feeling, not to belong to this world, but to be the welcome of good spirits, who had gone before, and now solemnly saluted him, who descended through the tomb to the bar of eternal justice, to receive the reward apportioned to a good and faithful servant.

According to the particular disposition of every one, have we heard the venerable archbishop praised and lamented.—The extent of his knowledge and the enlargement of his mind, fastened upon the man of liberal science. The liberality of his character and his Christian charity endeared him to his protestant brethren, with whom he dwelt in brotherly love. He was a patriot and loved his native land; nor should Americans forget that his exertions and benedictions, as a man and as a Christian prelate, were given to the cause and independence of his country. His manners were mild, impressive and urbane. The various stores of knowledge came from his lips with uncommon classical grace and richness, which he gained from a perfect acquaintance with ancient languages and literature. His charities were only bounded by his means, and they fell around him like the dews of Heaven gentle and unseen. To those who stood not in need of the comforts of life, he administered the consolation of his counsel; and the weight of his character and his reputation for erudition and profound good sense, gave an authority to his advice, which the proudest scarcely dared to disregard. The veil of mourning which hid the tears of the afflicted, covered

many a heart not of his own particular flock, which felt that it lost an inestimable friend.

The character of Archbishop Carroll seemed indeed to be filled up with wonderful care. Educated at St. Omers, he was early disciplined in the exercises of the mind, and deeply versed in classic lore. Becoming at Liege attached to the society of Jesus, he acquired that spirit of action—that profound knowledge of the human heart—that admirable fitness for the affairs of the world, which for 200 years distinguished that order, and spread its power to the remotest countries. When the glories of the Jesuits were extinguished with the society itself, he travelled over Europe as the friend and instructor of an English nobleman.—Then he viewed the manners of different nations—saw the courts of kings, and the meetings of philosophers, and added the liberality of a true philosopher and the accomplishment of a gentleman, to the apostolic dignity of his calling.—Temptation drew forth the purity of his virtues, and like Shadrach he walked erect in the flames. He early marked the rise of the baleful meteor of French philosophy, and mourned when he saw the pestilence shook from its horrid hair, invade his native land.—But he gathered his spiritual children under his wings, and protected them in security; and he was permitted to live to see a different spirit prevail; to witness a great revival of religion, and in the abundant prosperity of his particular church, to reap the harvest of the toil and labour of his life.

When he was called to receive the reward of his many virtues, the excellence of his character shone out with fresher lustre, as he gradually sat like the sun in mellowed splendour.—Death, as if fearfully, attacked him with slow and cautious approaches. The paralysis, and consequent mortification of the lower extremities were complete, before his icy touch ventured to chill the heart; and even until the last moment, the noble faculties of the mind retained their pristine vigour. He inquired if a conveyance was prepared to take away his sister and weeping connexions; told them the scene was about to close, and requested them to take rest and nourishment. He gave them his benediction, turned his head aside, and expired. His countenance retained in death the benignant expression of life. His piety grew warmer as life closed, and the glow of religious hope was elevated almost to enthusiasm. "Sir," he said to an eminent protestant divine, who observed that his hopes were now fixed on another world: "Sir, *my hopes have always been fixed on the cross of Christ.*" Yet, humility tempered his confidence, and while a numerous circle who surrounded his bed of death, were transported with veneration at the moral sublimity of his last moments, and his joyous expectations of a speedy release, he called to his friend and associate to read for him the "Miserere mei Deus—Have mercy on me, O Lord"—Reversing the wish of Vespasian, he desired, were it practicable, to be placed on the floor, that he might expire in the posture of deepest humility, as a Christian martyr, and an humble supplicant to an interceding Saviour.

How do the boasted glories of philosophy fade before the death of such a man—Socrates died with a cheerless and unknown futurity before him—Cato's indignant soul

spurned the yoke of imperial Cæsar, and Seneca opened his veins, and calmly discoursed of philosophy as life ebbed with the purple tide—but it was not theirs to know the hope of the Christian—that hope which springs from a life of virtue and a pious soul, and which changes the tomb into the triumphal arch, through which the pilgrim passes into joyful eternity.

Died, at his seat in Northumberland county, Virginia, Dec. 1816, WALTER JONES, Esq. aged 70 years. He was by profession a physician, and eminent in his profession; but is better known in his public character; having served for many years, with high credit to himself and his constituents, as a representative in the congress of the United States. He was a man of sterling value. As a politician greatly respected, he was still more valued and beloved as a man. His literary acquirements were of the first order; and there are few men of the present age whose writings and conversation possessed more of that Attic salt which distinguished the Popes and Addisons of the last century. His death is deeply regretted, no less by his immediate connexions, than by a large circle of friends and acquaintances.

Died, at Lempster, N. Hampshire, on the 17th December, 1816, Mr. JOSHUA BOOTH, aged about 55. His death was occasioned by the bite of a cat about six weeks previous. The cat attacked him when in bed, and wounded him in his face; he drove her from him, and she immediately left the house—and, on her route, attacked a number of persons, some of whom she wounded, and was at length killed in an adjacent town. Mr. Booth and his family, not considering the circumstance to be alarming, neglected making use of any means to prevent its dreadful effect, and on the 15th Dec. he was attacked with the characteristic symptoms of the hydrophobia. Medical aid was immediately resorted to, but to no purpose; the fatal disorder soon became visible to every spectator, by the dread of every liquid; the sight of which would produce the most excruciating spams. He took but very little or no nourishment, although he retained his senses until the last; cautioning his friends and neighbours to keep at a proper distance from him that he might not do them injury.

Philadelphia, Nov. 1816.

Died, at his Botanical Garden, called Upsal, two and a half miles from this city, Mr. BERNARD M'MAHON, well known throughout the continent and among the botanists of the old world. Mr. M'Mahon came to this city, from Ireland, about twenty years since, and from his previous experience and industry, and great enthusiasm in the profession to which he was bred, he has rendered very eminent services to the United States, (more, indeed, than all who had preceded him,) by applying the principles of agricultural science to the varieties of the climates of this continent; pointing out the errors which had retarded improvement, he contributed to the comforts, and the most delightful of human recreations, planting the shrub, and nursing the buds into bloom, and tendril into vigour. His book of Gardening is a precious treasure, and ought to occupy a place in every house in this country; its principles are eternal, and

its instruction fruitful of advantage. His theory of planting, has removed the difficulties heretofore deemed insurmountable in the production of QUICKSET hedges, from the WHITE THORN; he urged, that he learned it from nature, who scattering stone fruit on the surface of the earth opens the stone by the frost, and the earth to receive the kernal by the thaw—following this observation, he laid his white thorn seed, or the dried haw on the smooth surface of the ground upon which he proposed to plant, preparing the soil only to suit the operations of nature. It was his desire, while living, to be useful; and it is in conformity with his usual mode of thinking, that we think fit to notice, at the same time that we notice his demise, his practice in an invaluable branch of knowledge, which many may see on this occasion, who have not before heard of it.

Died, on the 31st Nov. 1816, at Kennet, (10 miles from the borough of Wilmington, Delaware,) CHRISTIANA WEBB, in the 94th year of her age. She was the last of the 17 children, of Daniel and Jane Hoopes. Her father and grand father came from England, with William Penn, in the year 1682.

Of those 17 children, *eleven* averaged upwards of 80 years. The aggregate ages of the whole was 1036 years. Remarkable as these circumstances are, they are, perhaps, not more than that throughout this long period all of them had their dwellings, died and lie interred within twenty miles of the last residence and burial place of their said ancestors.

Died, in Salem, N. H. December, 1816, Widow SARAH MORSE, at the advanced age of 100 years and 3 months—her remains were removed to Newbury, her native place, and interred with her ancestors, at the bridge lane burying place. The deceased was great-grand-child to Mary Brown, the first white child born in the ancient town of Newbury. Her living descendants are two children, 6 grand-children, 15 great-grand-children, and 30 great-great-grand-children. She lived a widow upwards of 66 years, and enjoyed her mental faculties to the last—and her health was continued to her to such a degree that she was able to walk about the room till within a few days of her death, when at length worn out by age, she resigned her protracted life to the hands of Him who gave it, and "was gathered in to her fathers like a shock of corn full, ripe."

Died, at the Creek Agency, on the 6th June, 1816, Colonel BENJAMIN HAWKINS, Agent for the Indian affairs. He was one of those revolutionary patriots who had spent in the service of his country, to which no man was more devoted, nearly his whole life. At an advanced age, and with a constitution greatly exhausted, he continued to discharge with undiminished zeal the important and perplexing duties of agent, as well as commissioner for marking the limits prescribed to the Creek nation by the late treaty. With a philanthropy worthy of all praise, he had relinquished the enjoyments of polished society, in which he shone conspicuously, with the sanguine hope of civilizing our savage neighbours. This was a favourite object, which for years engrossed almost exclusively his attention. Partial was his success in effecting this purpose,

no other man perhaps could have done as much towards it. His death is a national loss. It will be no easy matter to find a successor like him, in every respect qualified for that appointment. As a man of science, he occupied an elevated rank, and may be numbered among the most enlightened of our countrymen.

Account of Mr. Baird, who died June, 1816. Mr. Baird was of German extraction. His father left him a valuable farm of 500 acres in the vicinity of York, (Penn.) with some farming and household articles. He kept a tavern a number of years, married a wife, and raised four children. He accumulated an immense estate which he preserved so tenaciously, that he afforded not a dollar for the education of his family. He was never known to lay out one dollar in cash for any article he might be in want of; he would do without it, or find some person who would barter with him for something he could not sell for cash. He farmed largely and kept a large distillery, which he supplied entirely with his own grain. He kept a team for the conveyance of his whiskey and flour to Baltimore, which, when he could not sell for money at a price that would suit him, he bartered for necessaries for his family and tavern. In this way he amassed an estate of $400,000.—Such was his attachment to money, that he was never known to lend or credit a single dollar to any man. Upon the best mortgage or other security that could be given, he would not lend a cent. He never invested one dollar in any of the public funds; neither would he keep the notes of any bank longer than till he could get them changed. He deposited his specie in a large iron chest, until it would hold no more—He then provided a strong iron hooped barrel, which he also filled. After death his strong boxes, "from whose bourne no traveller had ever returned," yielded $230,000 in gold and silver.

The cause of his death was as remarkable as the course of his life. A gentleman from Virginia offered him 12 dollars per bushel for 100 bushels of clover seed; but he would not sell it for less than 13 dollars, and they did not agree. The seed was afterwards sent to Philadelphia, where it sold for $7 per bushel, and brought in the whole $550 less than the Virginian offered for it.—On receiving an account of this sale, he walked through his farm, went to his distillery, and gave various directions to his people.—He then went to his waggon house and HANGED HIMSELF.

EXCERPTA

FROM

DEBATES OF THE BRITISH PARLIAMENT,

DURING THE SUMMER OF 1816.

STATE OF IRELAND.

SIR JOHN NEWPORT.

IT will naturally be asked by an impartial inquirer, why Ireland has not been infinitely more improved by its long connexion during six centuries with England?—why it still has to complain of evils which were the subject of animadversion in the early period of that connexion? The answer is obvious—the inference irresistible—it has been misgoverned. No other cause can been assigned. History does not afford a single instance of any two countries, so long united under the same government, which are not assimilated in manners, customs, and habits. Ireland is the solitary and melancholy exception to this general rule.

Illicit distillation is a source of much evil to Ireland, demoralizing her people, and encroaching on her scanty resources of taxation. It is, as I fear, too much protected by individuals of rank and power, and largely practised by the professors of exclusive loyalty. No man, however high in station, should be allowed to protect his dependents in a course of disobedience to law, nor should alleged loyalty secure any class of the community from sharing the burthens of the state. Parliament has indeed contributed to the extension of this ruinous course, by that monstrous act which, remitting penalties incurred to highly offending districts, sanctioned that shocking principle, that in the enormous extent of his offences the delinquent should find his best security.

I am astonished that the ministers who have, by the disturbed state of Ireland, justified their claim for extended military force, do not themselves propose remedial measures: one and one only, has been adverted to—education. Of its superior efficacy, no man can think more highly than I do, as providing largely for future amelioration. But can we look to this as a remedy for existing evils? I may be permitted, too, to say, that if by education be intended the capacity of reading and writing, I believe the Irish are not an uneducated people: certainly not as compared with the people of England: the reports before the house prove this. Mr. Newham, in a work containing much useful information, states, from actual inquiry, that in a district comprising about one half of the county of Cork, there were upwards of 300 unendowed schools, educating not less than 22,000 children.

Education can however be no cure for the political evils of Ireland, unless accompanied by radi-

cal reform of the present vicious system;—it has grown out of the accumulated misgovernment of many centuries, and it is the bounden duty of parliament to institute exact inquiry into the causes and effects of that system —to search it to the bottom, and neither to be allured nor deterred from the path of duty by prejudice or power.

Sir J. Newport dwelt upon the litigation, difficulty, and delay attending Irish elections, especially where the returning officer had any bias. The difficulty and delay he instanced in his own case, where the election was extended to 15 days, although there were only 900 voters to poll. But when he had to petition against the return, the scrutiny continued no less than 76 days in Ireland, and 16 days before the committee of that house, before his claim was established. Such a system was, the house must feel, calculated to weary out any candidate; and as the evils belonging to the system were imposed upon the Irish representatives, by the union, it was peculiarly the duty of the imperial parliament to remove them.

Mr. Peel, *Chief Secretary for Ireland.*

When the information which he (Mr. Peel) intended to move for, should be produced, it would then be competent for the house to decide what course ought to be pursued. He did not wish to discourage all expectation of its being possible to apply some remedy to the evils which afflicted Ireland. But, if he believed with the right honourable baronet, that the present state of tumult and disorder had grown out of the abuses and errors of six hundred years of mismanagement; if by quotations from the writings of Dean Swift, he were to attempt to show the poverty, wretchedness, and cowardice of the Irish: if he undertook to prove from the operation of laws enacted before the reign of James I., that the affections of the people had been incessantly and violently alienated; if he undertook to show all those calamities, then, indeed, he could not much encourage the hopes of the right honourable baronet. Without, however, going so far as that, he was still inclined to think that the difficulties and evils which encompassed Ireland, formed a Gordian knot, which could not be cut, and which only the gradual lapse of time could unravel.

Before he followed the right honourable baronet through all the details into which he had entered, the house would probably expect from him a statement of what was the present condition of Ireland. Generally speaking, the north of Ireland was tranquil. No disturbances prevailed there, except what arose from distillation, and the consequent opposition to the revenue laws in certain districts. Those, however, were neither serious nor alarming. The extreme west of Ireland, also the counties of Mayo, Galway, and Carlow, were comparatively tranquil. The same might be said of the south of Ireland, of Cork, Wexford, &c. The east of Ireland was likewise generally tranquil. He meant that in those counties no applications had been made to government for extraordinary police. The counties in which disturbances actually prevailed were Tipperary, King's county, Westmeath, and Limerick. The magistrates of King's county had requested the application of the insurrection act: but they had since petitioned for its

removal, asserting that tranquillity was perfectly restored. In Westmeath and Limerick, a considerable improvement had taken place, but the insurrection act was still in force. Since he last addressed the house, the magistrates of the county of Louth and county of Cavan, had petitioned the government of Ireland for the application, not of the insurrection act, but of the extraordinary police act. Such was the general state of Ireland at the present moment There was nothing more difficult than to give the house a character of the precise nature of the disturbances which now agitated Ireland. In former periods of the history of that country, tumults and outrage had subsisted, but they were generally to be traced to small and comparatively unimportant causes. Particular and local grievances, personal animosities, or hereditary feuds, constituted the principal sources of them. At other times, grievances of a more distinct and positive nature were alleged, such as the high price of land, for example, and the professed object of the combinations was to lower it. But the disturbances which now prevailed had no precise or definite cause. They seemed to be the effect of a general confederacy in crime—a comprehensive conspiracy in guilt—a systematic opposition to all laws and municipal institutions. The records of the courts of justice would show such a settled and uniform system of guilt, such monstrous and horrible perjuries, as could not, he believed, be found in the annals of any country on the face of the globe, whether civilized or uncivilized. He was far from meaning to say that those dreadful offences arose from the generally malignant or depraved character of the lower orders. In different counties different appearances were presented. He had himself been in some, and it was impossible to find any where men more tractable, more obedient to the laws, or more disposed to pay all due deference to their superiors. He was ready to declare that it was impossible to see them without admiring many of their qualities. He believed, indeed, that the character of the Irish people had been variously misrepresented, in general, not from any deliberate design, but because, in fact, they were often presented under different and singular aspects. From his observation of them, he believed, they possessed great fidelity; in their dealings with each other great honesty; from their early marriages, they were in general very chaste; and be it told to their honour, that certain crimes which disgrace and degrade more civilised countries were utterly unknown to them. He was even told that the Irish language did not possess a name by which they could be designated. But in those parts of Ireland, especially in the county of Tipperary, their depravity was shocking. If any one should urge that he overstated it, he was prepared to confute him by irrefragable documents. He did not speak from vague and ambiguous rumours. What said the records of the courts of justice in that county? What would be the evidence of the twelve men impanelled to try midnight murderers of an invaluable magistrate belonging to that county? If he required proof for what he had asserted, he need go no farther. If any one would take the trouble to peruse the minutes of that trial, they would be able to form a thorough idea of the character of

the people. They would see their extraordinary fidelity to each other in a bad cause—the facilities they afforded to escape punishment—the readiness they manifested to redress the injuries offered to any of their party—the difficulty of bringing home conviction to the guilty, and the detestation in which every one was held who at all contributed, or was instrumental in giving effect to the laws against them. With respect to the murder of that magistrate, he was afraid it was too clearly established, from the records of the court of justice, that it had been planned several weeks before it was carried into execution. The magistrate upon whom the foul deed was committed, was a most amiable man. He spoke from the opinions of others, as he had not the least knowledge of him personally. He was kind, indulgent, and a ready friend to the poor; but at the same time he was a most determined enemy to that terrible system of combination which prevailed. In the neighbourhood of his dwelling, a house had been burned down, because the inhabitant of that house had taken land at higher rent than was thought a proper equivalent by those misguided men. The magistrate in consequence, exerted himself to discover the offenders, and by his indefatigable efforts six of them were apprehended. Upon this, the remainder determined to murder him. On the day fixed for the atrocious act, there were no less than four different parties stationed on different roads waiting for his approach. The murder was committed at some distance from Cashel, and the particulars which he related were derived from a gentleman who happened to be travelling that road at that time, and resembling the magistrate (Mr. Baker) in person, narrowly escaped from falling a sacrifice. Information was conveyed by signals from one party to another. The gentleman to whom he alluded saw several persons on the tops of the houses and hay-ricks, waiting for the fatal catastrophe. When the shot was fired, loud cheers were uttered by those who were thus waiting, and then they all retreated. The plan, therefore, had evidently been determined upon months before it was put in execution: and although no less than 13,000*l.* were offered as a reward for apprehending the murderers, by the government and by the resident gentry in the county, he believed no evidence whatever was obtained as the result of that offer: such was their fidelity in a bad cause, and such was the abominable system of confederacy upon which they acted. Not a person was found to come forward and make a voluntary disclosure. He would mention one conclusive proof of the feelings by which they were actuated. One of the murderers who was apprehended, and afterwards hanged for his crime, when in prison, expressed a desire to disclose some particulars. His life was offered as the promised reward for his confession. He accordingly communicated a part; but he afterwards retracted, at the instigation of his wife, who went on her knees to him in the prison, and implored him to be executed rather than divulge the secret. (*A laugh*, and *hear, hear!*) The house might probably smile at the conjugal affection of the woman, but he could assure them, there was as much attachment between the husband and the wife as could possibly exist between two persons, and the concern which she felt

was, lest her husband should forfeit his character and respectability by betraying his friends. He actually retracted, in consequence of the persuasions of his wife, and was accordingly executed.

MR. PLUNKET.

From the highest authority it had been stated, that within the last fifty years the commerce of Ireland had doubled, her agricultural produce had increased fourfold, and her population had trebled. Thus it appeared that she was capable of becoming the dangerous rival, or the powerful friend of England: a gigantic form was rising at the side of Great Britain, and the question now was, whether it should be converted into a friend or an enemy.

MR. VESEY FITZGERALD.

There was one circumstance which had frequently struck him as a grievance pressing upon the lower classes of the farmers in Ireland, and that was the difficulty which they experienced in recovering the debts due to them. By an act passed in 1796, a power was given to the assistant barristers to try by civil bill, cases of debt to the amount of 20*l*. Great advantages had resulted from it.—Nothing fell more severely upon the lower orders of farmers than the difficulty of thus obtaining justice, the expenses of which before the superior tribunals, were beyond their reach. There could not be a stronger proof of this, than that the number of actions brought amounted to above 30,000, and that the number tried did not exceed 800: the great expense deterred people from prosecuting them. The expense of prosecuting a suit before the assistant barrister did not exceed a few shillings, and he thought it would be a most material benefit conferred upon the people of Ireland, to extend the jurisdiction of the assistant barrister from cases of 20*l*. to 50*l*.: he certainly should be happy to cooperate in any measure for that purpose.

MR. GRATTAN.

With regard to the financial distress of Ireland, it was undeniable that it was almost beyond conception. Her expenditure had outshot her means, for she had a debt of one hundred and fifty millions, burthened with an interest of seven millions, while her revenue did not exceed six millions; so that for the maintenance of her establishments she had absolutely nothing. Difficult as this situation was, he did not despair of its being relieved. He would suggest, therefore, such a financial arrangement between the two countries as would enable both to contribute to their mutual relief. Thirdly, with regard to the commercial distresses of Ireland, he acknowledged they were great, but he considered them as resulting from the sudden and violent change from war to peace. On that head, therefore, he was not inclined to despond. As the most effectual means of relieving those distresses, Ireland should receive a constant preference over foreigners in the British market. Thus it appeared to him that all the three branches of difficulty which he had spoken of might in time be removed. With respect to the agitation which existed in Ireland, by a good administration of the government it might unquestionably be cured. It was of a temporary not of a permanent nature. It was disgraceful, but it was an eruption of the skin, and did not proceed from the blood. It

ought to be put down by the law; and although in a free country an effervescence of that nature could not be so speedily subdued as in a despotic country, it would be more effectually so in the end.

LORD CASTLEREAGH.

He was fully persuaded that the people of Ireland might be made a well-informed and moral people. Even at present their minds were much better cultivated than those who did not know them appeared disposed to admit; for it was most untrue that the Irish were in such a state of utter ignorance as that in which they had been frequently represented to be. He concurred with the right honourable gentleman opposite in thinking those were wrong who considered the people of Ireland to be generally uneducated. It was not true that they were remarkably deficient in intellectual knowledge. He could take upon himself to say, this was by no means a correct character of them. So far as his experience went, they were rather the reverse of this. He spoke principally of the north of Ireland, where the population, far from being such as had been supposed, was such, that he knew no country in which the inhabitants were more intelligent. The knowledge which he spoke of was not confined to the higher or midding ranks of society, but absolutely pervaded all classes; extending even to the lowest.

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IRISH AND SCOTCH DISTILLERIES.

SIR JOHN NEWPORT.

The right honourable gentleman opposite, (Mr. Peel) had formerly drawn a very faithful picture of the state of Ireland; but there could be no doubt whatever that a great part of the disorganization of the people was occasioned by the immoderate use of spirits. At least one fifth of the country was excited to tumult and disorder from this cause; and he would then ask the house, whether they would consent to surrender up the other four-fifths to drunkenness, by reducing the price of spirits. The petitioners complained of illicit distillation, but not in the district of Dublin. In those parts of the country where the use of beer prevailed instead of spirits, the morals, habits, and health of the people had been most materially improved. It had been shown to the house, by several medical reports from the most eminent practitioners, that since the use of beer had become more general, the mortality in those great districts had decreased in a degree that was almost incredible. The remedy for illicit distillation was not to be sought by these means, but by calling on the nobility and gentry to aid the legislature in giving effect to the established laws. At present they found that they could not collect of their tenants the large rents which they imposed on them, unless they assisted those persons in evading the laws: this, and this only, was the character of their opposition to the existing laws of the country. He must acknowledge, however, that the house had in a great degree to thank themselves for the progress of illicit distillation in Ireland. Some counties had transgressed to an enormous extent; because they made that a plea for remitting the penalties, the house had yielded to their petitions, and hereby encouraged hopes that, by transgressing again, they would procure a remission of the penalties. It was impossible to expect good

order, sobriety, or obedience to the laws, so long as the people were kept in a state of intoxication.

GENERAL MATHEW.

General Mathew said, as he knew very little about the north of Ireland, he could not assert that the gentlemen in that quarter encouraged illicit distillation: but he was very sure, that those in the south, with which he was well acquainted, gave that system every assistance. There was not a gentleman residing on the banks of the Shannon who did not encourage it, by purchasing what was called, in that country, putteen. That was whiskey made in a little iron pot, the Irish for which was *putteen*, and thence the liquor derived its name. The gentlemen purchased this spirit—they placed it regularly in their cellars—and there was not one of them who did not regularly ask his guests, "Will you have the putteen, or the legal spirit?" As he (General Mathew) preferred good claret to bad port, he always answered, on such occasions, "give me the putteen instead of the inferior whiskey." (*A laugh.*) It was almost impossible for them to discover those who were engaged in this trade. They could easily conceal the iron pot which was used in distillation. And what was the consequence? Why, the persons who were sent to destroy this trade, assisted in supporting it: for they could get nothing but putteen to drink. Besides, those who infringed the law, were protected by their landlords. He did not mean to say that it was so in the north; but such was the case in the south, and such was the case in the west. The chancellor of the exchequer for Ireland knew full well that the practice existed in the county of Clare. The evil was supported even by the government. Lords-Lieutenant, particularly one nobleman, whom it was not necessary for him to name, preferred this putteen, as every other man of honour did, to the common whiskey During the last summer, the Lord Chancellor of Ireland, Lord Manners, would drink nothing but putteen; and the Marquis of Abercorn pursued the same course. He did not blame them for making use of good spirits, instead of bad. The Irish chancellor, he understood, refused every other spirit, except putteen, for these reasons—he found it extremely useful to his constitution, and the finest diuretic in the world. (*A laugh*) Neither the lord chancellor of Ireland, nor the secretary for Ireland, could deny that this illicit spirit was thus generally used. He believed that almost every man in the county of Limerick supported illicit distillation. There was but one way to destroy this evil; and that was by revising the magistracy of Ireland, which was at present intolerable. The magistrates of the south were intolerable. They connived at this infraction of the law; they took money as a bribe to suffer it to go on. (*No, no!*) He could prove it. The guager took a guinea from this person, and guinea from that person, that he might overlook those town-lands which had incurred penalties, and place them on those on which no offence had been committed. The gallant general then contended, that the only effectual remedy for this monstrous evil, was a purification of the magistracy of Ireland, which the government did not seem anxious to commence. The Irish chancellor was not singular in his taste. Other noble lords had shown an equal love for putteen. No man

ever liked it better than the Duke of Rutland. The gallant general concluded by again pointing out the necessity of revising the magistracy of Ireland.

Mr. Windham Quin.

Under the present system of high duties, this evil of illicit distillation had greatly increased. He would give one instance: in Limerick, not more than two years ago, there were one still of 1500 gallons, and two of 500; there was now but one of 500, the others had ceased. The increase of fines for illicit distillation had gone to such an extent, that in the townlands they were so great, that it was impossible to levy them. No persons would take land in those districts, lest they should be liable to those imposts, and the houses most notorious for the sale of this liquor were those in which disorders of every kind had grown to a great extent.

Mr. W. Smith.

In England the great distilleries had decreased from ten to four. In Scotland a similar reduction was found. The fact was, that be the liquor wholesome or not, the cheaper it was, the greater was its consumption, and the more insubordination generally followed the facility of getting it in society. Any body who had seen Hogarth's picture of Gin Alley, had seen this growth of vice admirably depicted.

Mr. French.

He complained that, under the present system, the innocent as well as the guilty were punished by the levying of fines: 93,000*l.* had been levied in one year—of which half went to the guager, and half to the crown. The act had been in force only twelve or thirteen years, and yet not less than 6000 persons had been prosecuted, so that the prisons were absolutely crowded. It often happened that the person guilty could not pay above ten shillings, and the collector went to those in the townships who could best bear the fine. He would ask whether any man, conscious of his innocence, could bear to be thus unjustly stripped of his property? It was utterly in vain that government made grants for the encouragement of religion in Ireland, when the people were brought up to systematic perjury, in order to save the stills and their produce. Thus the expense of prosecutions was enormous: in 1802 it had been 402*l.* 12*s.* 5*d.*; in 1807, 300*l.*; but in 1814 there was disbursed for boards of council, 14,050*l.*, while the expenses of the local solicitor-general were 53,800*l.*, and those of the second solicitor 30,505*l.* The bill of costs for the prosecution of the 6000 individuals he had mentioned was 30,807*l.*, and the expenses of one province in fines amounted to 105,057*l.* How could people be patient who had these enormous sums drawn from them for crimes of which they were not guilty?

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SCOTCH DISTILLERIES.

The Chancellor of the Exchequer said, that illicit distillation had, of late years, been carried to a most mischievous extent, and that this was very much to be attributed to the bad quality of the spirit produced from the regular distilleries. The plan which he intended to submit to the committee consisted of regulation and reduction of duty. For this purpose he intended to encourage the use of

small stills of 40 gallons. By this means, especially in the Highlands, where illicit distillation chiefly prevailed, a palatable spirit might be produced in the legal way, and illicit distillation effectually prevented. The duty on spirit was at present 8*s*. 4*d*. per gallon, and this he should propose to reduce to 6*s*. 4*d*. per gallon, namely 8*d*. per gallon on the wash, and 9*d*. on the spirit.

Mr. C. Grant.

Mr. C. Grant, sen. stated the universal prevalence of illicit distillation, and its lamentable effects on the morals of the people, who, by living in opposition to law, learned to despise it. The legal distiller ought to be encouraged in order to check this evil, and that could only be done by lowering the duty. The gentlemen of Scotland wished to put down this system, but were persuaded the only means was to lower the duty.

Mr. W. Dundas.

Mr. W. Dundas argued in favour of a reduction of the duty to 5*s*. per gallon. He drew a lamentable picture of the deteriorated state of morals in the Highlands, arising from the use of ardent spirits, and contrasted it with the morality, and good order which, prior to the introduction of illicit distillation, had prevailed there.

Mr. V. Fitzgerald.

Let it not be too sanguinely expected, however, that low duties alone would be sufficient. He was not paradoxical enough to assert that they would increase the evil; but this he recollected, that in Ireland they had been tried, and had not diminished it. A right honourable friend of his, (Mr. Foster) had been persuaded to consent to a similar measure in Ireland. The duty was reduced to 2*s*. 6*d*. a gallon for the purpose of suppressing illicit distillation; yet it was proved that the practice never prevailed so extensively as at the very time the duty was so lowered.

Mr. P. Grant.

Mr. P. Grant said, that spirits were selling for 6*s*. per gallon in Scotland, being somewhat less than the duty proposed to be levied. How then was it possible to decrease the consumption of illicit spirits, when it was now sold at a price less than the duty which the right honourable gentleman proposed? The morals of the people of Scotland were ruined by the intemperate use of spirits. At one meeting of magistrates no less than 1300 persons were brought up to be fined for carrying on illicit distillation.

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BRITISH HOUSE OF COMMONS & CONSTITUTION.

Sir James Mackintosh.

It is obvious, on the coolest reflection, that the exclusive power of the House of Commons over the public purse is the bulwark of this constitution, and that nothing can be regarded as small or inconsiderable which touches it, which in the slightest degree or by the most remote analogy can endanger, or contract, or bring into question the fundamental principle. It is fit that, in the courts of law, the most subtile distinctions should be respected, and that the authority of precedent should be maintained, because it is thus only that the administration of justice is subjected to certain rules, and that the power of judges is prevented from becoming arbitrary. But this

house is instituted, not to follow the example, but to watch over the proceedings of inferior courts. The House of Commons is composed chiefly of those who are not lawyers, in order that they may act on the plain and broad principles of reason and the constitution. It is their duty to inquire whether the result of legal subtilties be the furtherance of the ends of justice; and above all, to determine whether there be any reasonings or precedents received by other tribunals which may be dangerous to liberty. These are questions of far more importance than any discussions of mere law; and on them this house may decide with as much discernment as lawyers, and with much less prejudice. There are even occasions in which law itself, in order to be preserved, must be overruled by the great principles of justice and liberty, for which and by which it can alone exist.

Whatever may have been said of late, I shall always consider that, to prove the tendency of a claim to be unconstitutional, it is in the House of Commons the strongest of all legal arguments against it. It has been said, that "unconstitutional" can have no meaning, if it be not synonymous with "illegal." But the assertion is false and pernicious. Every single statute has a general object and intention which may be defeated by acts which do not offend against the letter of any of its clauses. Every class of statutes relating to one subject has a more general scope and spirit against which there may be many offences not prohibited in so many words in any one statute of the class. The most subordinate part of law, besides its literal provisions, has a spirit, an object, general principles, which extend beyond the letter, and without which the letter cannot be rightly understood. Shall not the same be said of that grand body of written and unwritten law relating to the powers of government, and the rights of the subject, called the constitution? As that which defeats the purpose without infringing the words of an act of paliament is justly said to be inconsistent with its spirit and principles, so acts are with equal propriety termed unconstitutional which resemble in their mischief acts already condemned as contrary to the constitution, which obstruct the attainment of its universally acknowledged ends, weaken the authority of its most useful principles, and of which the example, if consistently followed in all like cases, would leave no constitution remaining. It is by the condemnation of practices and pretensions which are unconstitutional without being, in the strict and narrow sense of the word, illegal, that the House of Commons has most often performed its high function of preserving liberty. Illegal practices may be checked by courts of law —unconstitutional claims can be resisted only by parliament. This house may, indeed, animadvert on a breach of law, but only where that breach of law is in effect, or example, dangerous to the constitution.

This constitution has provided various means of check on that most unmanageable instrument of power—a standing army. Whether the union of all of them be an adequate security, may be doubted; but no man ever thought that all were more than enough. One of these controls is, the annual mutiny bill, which renders the means of maintaining discipline annually dependent on the pleasure of parliament. This check is held by the

whole legislature. Another, and the only control exclusively vested in the House of Commons is, the annual grant of money for the support of the army. It is in its nature the most effectual: it is the privilege of the House of Commons alone. The constitution allows the other house to reject our votes of supply; but neither to alter their nature nor to increase their amount. It is the peculiar characteristic of the Commons House: it is that which forms our strength and our pride: it is that which has given us a preponderating authority over all measures of state. On this subject we have ever thought that the smallest dangers are to be guarded against with the utmost vigilance. No jealousy has here appeared unreasonable: no encroachments, however slender and unintentional, have been thought too harmless to be repelled. Such, sir, has been our jealousy, and (I may add in justice) your jealousy, of this great privilege in our intercourse with the other house of parliament. What new term can be imagined adequate to the feelings with which we are bound to guard it as a control over a standing army?

I am well aware that in every human system, especially in a government so complicated as ours, and formed by the course of circumstances in a long series of ages, there are anomalies which must be owned to have the character of law, though they be utterly irreconcileable with the general principles of the constitution. These irregularities are, I am ready to admit, often balanced by similar deviations on the opposite side. So that the last result, the just counterpoise of constitutional authority, is maintained.—The principles of the constitution and the spirit of the people, when they cannot prevent an encroachment in one quarter, have often gained a compensation in another. But it is never too much to say, that those who contend for the exception must always prove it, and that those who rely on the constitution need only allege it. Where is the proof? It is no ordinary evidence which can outweigh such principles as those now under our consideration—the exclusive right of this house to grant supply, and the danger of every prerogative which may be a source of independent revenue.

It will probably be said, that ministers are responsible for the exercise of this like every other power of the crown. Wherever a power is proved to be legal, responsibility is doubtless our safeguard against its dangers: wherever the creation of a new power is shown to be absolutely necessary, there also we must content ourselves with such security as the responsibility of ministers may afford. But we must not speak of responsibility till either the legality or the necessity of the power be first made out. Responsibility is no reason either for recognizing or for granting political power; it is only a security of a certain value against the abuse of an authority which legal evidence proves to exist, or urgent danger renders it necessary to create.

Anciently while our kings defrayed their expenses from their own revenues, with occasional aid from parliament, there are but few traces of parliamentary interference in appropriating public money to particular objects. Afterwards, when the kings of England were reduced by a happy poverty to that dependence on the commons which preserved the

British constitution, they were still considered as contracting to defray the whole expense of the state, on condition of their receiving a certain gross annual revenue. They were allowed to apportion it according to their own judgment, unless where the appearance of great abuse called for investigation, rather for the punishment of delinquents, than for the better regulation of the expenditure. Attempts to improve this practice were made at various times under the princes of the house of Stuart. It was not until the glorious era of the revolution, that the system was established of appropriating all parliamentary grants, by the authority of parliament, to services previously approved by parliament, which gave reality and energy to all the ancient constitutional principles, respecting the power of the purse, created a constant and irresistible control over the public expenditure in this house, and ought to be regarded as the most important reform in the practice of the British constitution which has been effected in modern times. Since that happy period, every part of public law and parliamentary usage on the subject of finance, is consistent and intelligible. We have only to open the journals of this house to comprehend the constitution.

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ENGLISH POOR LAWS.

Mr. Curwen.

The abuse of the poor laws has transferred from the individual to the public, not merely the charge of providing for the casualties and misfortunes incident to humanity, but for the direct consequences of men's vice and folly. Economy and forethought are banished; improvidence and immorality encouraged. To restore the respectability and the happiness of the inferior classes, they must be brought back to those manners from which they have swerved. Their general good sense I think as highly of as any man, but, misled as they have been by depending on parochial relief, an immediate and complete reformation is not to be expected. From the debasement which has arisen out of that system, gradually operating for two centuries, half that period may perhaps be necessary before the stain can be removed,—until this can be effected, I would by no means recommend any other than a gradual change in the system. Evidence may there be adduced, that the effect of the present system is to degrade the poor man as well in his own estimation as in that of the persons on whom the charge of maintaining him is devolved,—that his happiness is at an end—his existence embittered. The relief bestowed on him may remove indeed the cravings of hunger, but it is at the expense of all the best feelings of his nature. To restore independence of mind to the labouring classes is an indispensable ingredient in every plan for bettering their situation. Need there be any other proof requisite of this than the superiority of our people, on the whole, over every other nation. Whence does this arise? Is it not among the blessed fruits of our free constitution, inspiring independence of mind and action, giving consequence in his own eyes to every member of the community? Hence has arisen the glory, the pre-eminence of England. Extinguish the vital spark of liberty, destroy the political

that has operated and is still operating on the moral state of man, by the system of education introduced by Bell and Lancaster, which in its progress, will multiply the happiness of every succeeding age by increasing its habits of virtue and probity. In twenty years we may fairly contemplate that there will scarce be an individual to be found who will not possess the means of making himself acquainted with his duty to God and man.

The blessed effects of a general system of education, I hold equally high with Mr. Whitbread, and consider it as the foundation on which is to be built any system for bettering the condition of the people of England. Whatever can lead men to curb their passions and teach them to oppose the future to the present, must be attended with the most important results to their happiness.

Disposed as I am to look to education as a most powerful auxiliary, so great is the evil with which we have to contend, that it would not, in my humble opinion, be safe to confide in any plan that did not offer not only an equal, but extended scale of support for the afflicted. I am neither called on nor disposed to enter into the discussion of any abstract principles. It matters not whether every human being be entitled to a support from the produce of the earth; or that the most imperious duty on man after the payment of debts is, the exercise of charity. I am disposed to allow every latitude that can be required to the claims of misery, and to agree that the exercise of benevolence is the highest source of human enjoyment.

Nor is the axiom less true that it is an imperious duty, binding on every mortal, to exert his utmost endeavours for the support of himself and those he has contributed to bring into the world. By the sweat of his brow, man is ordained to earn his bread. No claim can honestly be set up for relief till every effort has been made and failed. The neglect of this principle has brought on the nation the evils it now endures; unless the consent and opinion of the working classes can be brought back to a recognition of this truth, it is in vain to look for relief from any remedy that can be proposed.

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ENGLISH PARLIAMENTARY COURTESY AND ORDER.

May 7th, 1816.

Mr. TIERNEY in reply to Lord Castlereagh, observed, that if ever he saw real fear disguised under a lofty tone—if ever he saw a person attempt to look tall by walking upon stilts (*a laugh*)—if ever he saw a minister betray a consciousness that he was tottering to his fall, it was on that night, and in the person of the noble lord. (*Hear, hear.*) The noble lord was mistaken when he attributed to him and his friends the impression prevailing in the public mind against him: they on his side did not deal in sinecures, and such an attempt would be a sinecure. (*A laugh.*) The house was told that, by voting for the motion, they would withdraw their confidence from ministers. For his own part, he had no confidence to withdraw, for he had never given any; but he differed as to this point; he did not think that the effect of the vote would be to remove the noble lord and his colleagues from his office. He wished to know

whether, at a late meeting of his friends, he meant the select few on one of those occasions which served the noble lord as a drill, previous to his exercises in that house—the noble lord had not fairly told them, that if they did not take care to vote with government, the government could not support itself, and that they must fall with it? (*hear, hear.*) And yet he would undertake to say, *suo periculo*, that until the house should force him to resign, the noble lord would remain on the treasury bench to the end of time. The noble lord had asserted that his mode of proceeding was the most constitutional: he (Mr. T.) would not enter into any discussion with him as to what was and what was not constitutional, for upon that subject, as upon most others, the ideas of the noble lord were not a little confused. (*Laughter.*) Mr. Pitt proceeded in an open and a manly manner, and did not resort to petty private meetings to frighten ministerial members into a belief of imaginary dangers. (*Continued cheers from all sides.*) His Majesty's ministers, notwithstanding all the confidence expressed by their leader, might shortly find it necessary to employ a little of their spare strength, and to re-import what for a time they had exported. (*Continued cheers.*) The administration, which now set all advice at scorn, and would rely on nothing but its popularity, and the confidence of a rich and happy nation, might in a few weeks deem it prudent to bring back into this country a right honourable gentlemen, whom but a short time ago they sent out of it; and that gentleman, partly out of gratitude, and partly out of compassion to his friends in adversity, would no doubt persuade one or two of his connexions to lend also their aid to the servants of the crown. (*Continued laughter and cheers.*) On behalf of the people of England, he claimed that much more should be done than ministers had suggested: if the noble lord thought that the country did not understand him, he was miserably mistaken; at least as far as respected economy, the people of England were not to be deceived in the intentions of the noble lord and his colleagues. "What," said the noble lord, "will they desert us now, after we have won for them so many glorious battles, and after we have conquered for them such a happy peace?" (*Laughter.*) To this he (Mr. T.) could only reply, that one distinguishing characteristic of Englishmen was their great good sense, which opposed itself to all sorts of imposition. It might be truly said, that no man in our history had ever gained for a time an unmerited reputation, that had not soon been exposed by the national penetration, and degraded to the low level from which accident had raised him. (*Hear, hear.*) The natives of Great Britain could easily distinguish between such people as the noble lord opposite and such men as the Duke of Wellington. —(*Long-continued cheering.*)— The cloud which had hitherto surrounded the noble lord, and the intervention of which, like a mist, had "made him but greater seem, not greater grow," was now fast dispelling, and leaving him exposed as he really was. The presence of a right honourable gentleman, who was on his way to reinforce the ranks of

the treasury, would again throw back his lordship to the place he had originally occupied. It could not be said of the noble lord, that "he was great ere fortune made him so;" his lordship had been very successful, and he (Mr. T.) recommended that he should retire with submission, and thank God for his good luck. (*Hear, and laughter.*) He (Lord C.) would find that he could no longer ride the people of England; and that, if he proceeded with the system he had declared himself determined to pursue, he would raise a storm of resentment which he would find it impossible to allay.

ABSTRACT

OF THE

PRINCIPAL PUBLIC LAWS,

OF THE

FOURTEENTH CONGRESS.

CHAP. 22. An act concerning the Convention to *regulate* the commerce between the territories of the United States and his Britannic majesty. (The act of the British parliament of April 1816, in *relation to the same convention*, is entitled—An act *to carry into effect the Convention, &c.*)

Be it enacted and declared by the senate and house of representatives of the United States of America, in congress assembled, That so much of any act as imposes a higher duty of tonnage, or of impost on vessels, and articles imported in vessels, of Great Britain, than on vessels, and articles imported in vessels of the United States, contrary to the provisions of the convention between the United States and his Britannic majesty, the ratifications whereof were mutually exchanged the twenty-second day of December, one thousand eight hundred and fifteen, be, from and after the date of the ratification of the said convention, and during the continuance thereof, deemed, and taken to be of no force or effect. [Approved March 1, 1816.]

Chap. 25. An act granting bounties in land and extra pay to certain Canadian volunteers.

By this act it is enacted, that all such persons as had been citizens of the United States anterior to the late war, and were at its commencement inhabitants of the province of Canada, and who, during the said war joined the armies of the United States, as volunteers, and were slain, died in service, or continued therein, till honourably discharged, shall be entitled to the following quantities of land respectively, viz.—Each colonel 960 acres; each major to 800 acres; captain 640 acres; subaltern officer 480 acres; non-commissioned officer, musician and private, 320 acres—to extend to medical and other staff, to rank according to their pay.

They shall likewise be entitled to receive from the treasurer of the United States, three months additional pay. [Approved March 5, 1816.]

Chap. 40. An act to authorize the payment for property lost, captured or destroyed by the enemy, while in the military service of the United States, and for other purposes.

This act remunerates the owners, whether volunteers or drafted militia, for the loss of horses killed or lost whilst in the military

service of the United States—also the owners of any horse, mule, ox, wagon, cart, boat, sleigh or harness, lost in the military service of the United States, if without any fault or negligence in the owner, unless the risk was agreed to be run by the owner.

Houses occupied as military deposits, and in consequence thereof destroyed by the enemy, to be paid for. The amount of loss and value of property, shall be ascertained by the best evidence the nature of the case will admit of, in the power of the party to produce.

But no claim shall be allowed, unless it shall be exhibited within two years from the passage hereof. [Approved April 9, 1816.]

Chap. 43. An act in addition to an act to regulate the Post-office establishment.

By this act the rate of postage on letters, &c. is reduced to the same amount, as before the act of February 27, 1815. And by sect. 3, all letters and packets, not exceeding two ounces in weight, to and from any member of congress or delegate, the secretary of the senate, and clerk of house of representatives, shall be conveyed free of postage for thirty days previous to each session of congress, and for thirty days after the termination thereof. [Approved April 9, 1816.]

Chap. 44. An act to incorporate the subscribers to the Bank of the United States.

By this act it is enacted, that a Bank of the United States of America shall be established, with a capital of 35,000,000 dollars, to be divided into 350,000 shares of 100 dollars each share—70,000 shares, or 7.000,000 dollars part thereof, shall be subscribed and paid for by the United States—the remaining 21,000,000 dollars by individuals, &c.

The payments of the subscriptions to be made by instalments—one fourth in gold or silver coin—the remainder in like coin, or funded debt of the United States.

It shall be lawful for the United States to redeem the funded debt subscribed—and for the Bank to sell the same for gold and silver. Provided, that it shall not sell more than 2,000,000 dollars thereof in any one year; nor any part without giving notice to the secretary of the treasury: and offering it to the United States at the current price.

The management of the affairs of the Bank committed to twenty-five directors—five of whom being stockholders, shall be appointed annually by the president of the United States and the senate—not more than three of whom to be residents of any one state, and twenty of whom shall be annually elected by the qualified stockholders.

The corporation is restricted from contracting debts exceeding the sum of 35,000,000 dollars, unless authorized by law of the United States.

Not to make any loan to the U. S. exceeding 500,000 dollars, nor to any particular state exceeding 50,000 dollars, nor to any foreign state, unless authorized by law of the United States.

The dividends shall be half yearly. A statement of the affairs of the Bank shall be laid before the stockholders every three years.

The secretary is authorized to call upon the Bank for a statement, not exceeding a weekly one, of its concerns.

No stockholder unless he be a citizen of the United States, shall vote in the choice of directors.

The corporation is restricted from suspending payments in spe-

cie, by being made chargeable with the payment of interest at the rate of 12 per cent. per annum.

Congress are to establish no other Banks except in the District of Columbia.

Chap. 55. An act making further provision for military services during the late war, and for other purposes.

This act provides for the representatives of officers and soldiers of the militia, killed in the service of the U. S. or who shall have died in consequence of wounds received therein. It enacts that the widow, or if no widow, the child or children (being under 16 years of age) of such officer or soldier shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for 5 years. The guardians of the child or children (under 16 years of age) of any officer or soldier of the regular army, who shall have been so killed or died, may take the half pay for 5 years in lieu of the bounty land of such officer, &c.

All soldiers enlisted for 5 years, or during the war, who have faithfully served during the war, and have been honourably discharged, shall be entitled to bounty land, notwithstanding they were above the age of 45, or under the age of 18, at the time of their enlistment.

No transfer of the land granted to non-commissioned officers, &c. valid, until the patents shall be issued. [Approved April 16, 1817.]

Chap. 57. An act to enable the people of Indiana Territory to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states.

The said state shall consist of all the territory included within the following boundaries, to wit: bounded on the east by the meridian line which forms the western boundary of the state of Ohio. On the south by the river Ohio, from the mouth of the Great Miami river to the mouth of the river Wabash. On the west by a line drawn along the middle of the Wabash, from its mouth to a due north line drawn from the town of Vincennes, would last touch the northwestern shore of said river—and thence by a due north line, until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of lake Michigan: on the north by the said east and west line, until the same shall intersect the first mentioned meridian line which forms the western boundary of the state of Ohio. The state to have concurrent jurisdiction on the Wabash, with the state to be formed west thereof, so far as the said river shall form a common boundary to both.

The state when formed, shall be entitled to one representative in the house of representatives U. S. until the next general census. [Approved April 19, 1816.]

Chap. 58. An act to abolish the existing duties on spirits distilled within the United States, and to lay other duties, in lieu of those at present imposed, on licenses to distillers of spirituous liquors.

By this act the tax is imposed on the capacity of the still, instead of the quantity of liquor distilled according to the act of 21st Dec. 1814.

And authority is hereby given to the collectors and their deputies, to enter at any time any distillery or place, where any still, boiler or other vessel, used in dis-

tillation are kept or used, for the purpose of inspecting, examining or measuring the same. [Approved April 19, 1816.]

Chap. 76. An act supplementary to an act entitled "an act granting bounties in lands and extra pay to certain Canadian volunteers."

By this act the paymaster of the army of the U. S. instead of the treasurer of the U. S. is authorised and required to pay the extra pay to the persons entitled thereto. [Approved April 26, 1816.]

Chap. 138. An act for the gradual increase of the Navy of the United States.

The sum of 1,000,000 dollars for eight years, is hereby appropriated for the gradual increase of the Navy—And the president of the U. S. is authorised to cause to be built nine ships, to rate not less than 74 guns each, and twelve ships of not less than 44 guns each, including one 74, and three 44 gun ships, heretofore ordered to be built by the act of 2d January, 1813.

The president of the U. S. is also authorised to cause to be procured engines, and the imperishable materials necessary for building three Steam Batteries. [Approved April 29, 1816.]

Chap. 172. An act to allow drawback of duties on spirits distilled and sugar refined within the United States, and for other purposes.

A drawback of six cents per gallon of spirits not below first proof distilled within the United States, shall be allowed on such spirits as shall be exported to any foreign port not immediately adjoining to the United States, in vessels not less than thirty tons burden, with an additional allowance of four cents per gallon, if the spirits be distilled from molasses of foreign production.

A drawback of four cents per pound in addition to the present drawback, shall be allowed on sugar refined in the United States and exported therefrom—when made out of sugar imported into the United States. [Approved April 30, 1816.]

No. 3. Resolution, requesting the president of the U. S. to present medals to captain Stewart, and the officers of the frigate Constitution. [Approved February 22, 1816.]

No. 4. Resolution, requesting the president of the U. S. to present medals to captain Biddle, and the officers of the sloop of war Hornet.

[Approved February 22, 1816.]

SECOND SESSION.

Chap. 22. An act making reservation of certain public lands, to supply timber for naval purposes.

The secretary of the navy is hereby to cause lands producing live oak and red cedar timbers to be explored, and selections to be made of such tracts where the principal growth of said timbers is, as he may deem necessary to furnish the navy a sufficient supply—and the tracts thus selected with the president's approbation, shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated solely to the purpose above-mentioned. [Approved March 1, 1817.]

Chap. 23. An act to enable the people of the western part of the Mississippi territory to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states.

The boundaries of the state shall be as follows, viz. Beginning on the river Mississippi, at the point where the southern boundary line of the state of Tennessee strikes the same, thence east along the said boundary line to the Tennessee river, thence up the same to the mouth of Bear creek, thence by a direct line to the north-west corner of Washington county—thence due south to the gulf of Mexico—thence westwardly including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with lake Borgne—thence up said river to the 31st degree of north latitude—thence west along the said degree of north latitude to the Mississippi river—thence up the same to the beginning.

Until the next general census, the state shall be entitled to one representative in the house of representatives of the United States. [Approved March 1, 1817.]

Chap. 31. An act concerning the navigation of the United States.

By this act it is enacted, that after the 30th of September, 1817, no goods, wares, &c. shall be imported into the United States, except in vessels of the U. S. or in such foreign, as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production or manufacture—or from which such goods most usually are shipped for transportation.—This regulation shall not extend to the vessels of any foreign nation, which has not adopted and shall not adopt a similar regulation.

It is further enacted, that no goods, wares, &c. shall be imported, under penalty of forfeiture thereof, from one port in the United States to another port in the United States in a vessel belonging wholly or in part to a subject of any foreign power. Not to extend to goods, &c. imported in such vessel, but not unladen in the first mentioned port in the United States. [Approved March 1, 1817.]

Chap. 39. An act to regulate the trade in Plaster of Paris.

This act prohibits from and after the 4th of July, 1817, the importation of Plaster, in foreign vessels, from countries whence vessels of the United States are not allowed to bring it.

This act shall continue in force five years, from the 31st of January, 1817.—Provided, upon any foreign nation's discontinuing its prohibitory regulations respecting the exportation of Plaster to the United States—the restrictions imposed by this act, shall cease, with respect to that nation. [Approved March 3, 1817.]

Chap. 42. An act further to regulate the territories of the United States, and their electing delegates to congress.

This act directs the delegates from the territories of the United States, to be elected every second year, for the same term of two years, for which the members of the house of representatives are elected—the said delegates to have a seat in the house, with a right of debating, but not of voting.

The qualified citizens of the ter-

ritory of Missouri, directed to elect a delegate to congress. [Approved March 3, 1817.]

Chap. 58. An act more effectually to preserve the neutral relations of the United States.

By this act, any person, who shall within the limits of the United States, fit out and arm, &c. any vessel with intent to employ such vessel to commit hostilities against a friendly power, is liable upon conviction, to a fine not exceeding 10,000 dollars, and to imprisonment not exceeding ten years; and the vessel, her tackle, arms, stores, &c. forfeited. And the collectors of the customs are authorised and required to detain any vessels manifestly built for warlike purposes, the cargoes of which shall consist principally of arms, &c. when the number of men shipped or other circumstances, render it probable they are intended to commit hostilities, &c. against friendly powers.

Persons increasing or augmenting, within the United States, the force of armed vessels in the service of a foreign power, engaged in hostilities with a nation at peace with the United States, shall upon conviction, be fined not exceeding 1000 dollars—and imprisoned not exceeding one year.

This act shall continue in force for the term of two years. [Approved March 3, 1817.]

Chap. 59. An act to establish a separate territorial government for the eastern part of the Mississippi territory.

It is enacted, that all that part of the Mississippi territory which lies within the following boundaries, to wit: Beginning at the point where the line of the 31st degree of north latitude intersects the Perdido river, thence east to the western boundary line of the state of Georgia; thence along the said line to the southern boundary line of the state of Tennessee; thence west along said boundary line to Tennessee river; thence up the same to the mouth of Bear creek; thence by a direct line to the north west corner of Washington county; thence due south to the gulf of Mexico; thence eastwardly including all the islands within six leagues of the shore to the Perdido river; and thence up the same to the beginning—shall for the purpose of a temporary government constitute a separate territory, and be called "Alabama."

It shall be entitled to send a delegate to congress. [Approved March 3, 1817.]

Chap. 60. An act to amend and explain an "act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States."

It is enacted, that if any officer, seaman or marine, belonging to the navy of the United States, shall die, or shall have died since the 18th of June, 1812, in consequence of diseases contracted or injuries received while in the line of his duty, leaving a widow, or if no widow, a child, or children, under 16 years of age—such widow, or child or children, shall be entitled to receive half the monthly pay of the deceased for five years.

Upon the intermarriage of the widow, the half pay to go to the child or children of the deceased.

Upon the death of the child or children, the pay to cease. [Approved March 3, 1817.]

Chap. 68. An act for the relief of certain Creek Indians.

This act directs 85,000 dollars to be paid to the friendly Creeks, whose property was destroyed by the hostile Creeks during the late war. [Approved March 3, 1817.]

Chap. 87. An act to provide for the redemption of the Public Debt.

It is enacted, that so much of any act or acts of congress as provides for the purchase, &c. of the funded debt of the United States, be and is hereby repealed; and the annual sum of 10,000,000 dollars be appropriated to the sinking fund, to be applied by the commissioners of the sinking fund to the payment of interest and charges, and purchase of the principal of the public debt.

An additional sum of 9,000,000 dollars shall be appropriated to the same fund for the year 1817, to be applied to the same purposes—and the further sum of 4,000,000 dollars, if the secretary of the treasury shall deem it expedient during the year 1817—as an advance to that amount on the appropriation of ten millions, payable the next year.

Any unappropriated surplus in the treasury above two millions of dollars, shall also be appropriated to the sinking fund. [Approved March 3, 1817.]

Chap. 106. An act to amend the act entitled "an act granting bounties in land, and extra pay, to certain Canadian volunteers," passed the 5th March, 1816.

This act makes six months service, unless disabled by wounds, &c. and the names appearing on the muster roll, conditions of the bounty.

It also materially diminishes the quantity of land. [Approved March 3, 1817.]

Chap. 109. An act to continue in force an act entitled "an act further to provide for the collection of duties on imports and tonnage," passed the 3d of March, 1815, and for other purposes.

The act above-mentioned is hereby continued in force, except the 6th and 8th sections thereof. [Approved March 3, 1817.]

Chap. 110. An act to amend the act "authorizing the payment for property lost, captured or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed the 9th of April, 1816.

It is enacted, that the 9th section of the above-mentioned act, shall be construed to extend only to houses or other buildings, occupied by an order of an officer or agent of the United States, as a place of deposit for military and naval stores, or as barracks for the United States forces.

It is further enacted, that any person in the late war, who, without any fault or negligence on his part, has sustained any damage by the loss of any horse, mule, ox, wagon, cart, boat, sleigh or harness, in the military service of the United States, shall be allowed and paid the value thereof, unless the risk was agreed to be incurred by the owner. And the provisions of this and the former act, are extended to the cases of property lost in war with the Indian tribes, subsequent to the 18th February, and prior to the 1st September, 1815. [Approved March 3, 1817.]

APPENDIX TO THE CHRONICLE.

"THE FEDERALIST."

[THE following article on the subject of the celebrated Essays under the above title is copied from the National Intelligencer. It appears to be from an authentic source; and if the statement made is correct, the reader will see Messrs. Madison and Jay were the writers of the numbers enumerated, and General Hamilton that of Nos. 1, 6, 7, 8, 9, 11, 12, 13, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 59, 60, and 61.—Of the 64 numbers, then, General Hamilton wrote 30, Mr. Madison, 30, and Judge Jay 4. The information is interesting to the admirers of that political text book.]

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TO THE EDITORS.

In looking over Delaplaine's Repository of the Lives and Portraits of distinguished Americans, I discovered that he has given currency to an erroneous statement, which was published soon after the death of General Hamilton, in the Port Folio, concerning the authorship of the respective numbers of the work called "*The Federalist*," which it is known was written by Messrs. Madison, Hamilton, and Jay. The biographer affirms, that the numbers written by Mr. Hamilton are manifestly superior to the others, and that a key to them is unnecessary, as all persons of taste and judgment will at once designate them. Although I have repeatedly read that celebrated work, and have never discovered the superior merit of the part executed by General Hamilton; yet, as the intelligent public are as competent to decide as that writer, the maintenance of his opinions, if erroneous, can do no other injury than to lessen the character of the *Repository* for fidelity and impartiality; and I should not have deemed it proper, if the *facts* were not mis-stated, to take any notice of them. With the sole view, therefore, of giving to each of the gentlemen his proper share of the merit which "*The Federalist*" entitles him to, and to correct an error, assuming the garb of historical credibility, I take upon me to state from indubitable authority, that Mr. Madison wrote Nos. 10, 14, 18, 19, 20, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 63 and 64.

Mr. Jay wrote Nos. 2, 3, 4 and 5, and Mr. Hamilton the residue.

I have been for several years in possession of the information upon which this statement is predicated; and if it be doubted or denied, I will venture to appeal to the papers of General Hamilton for the confirmation of this assertion.

CORRECTOR.

March 10, 1817.

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New York, March 29, 1817.

The National Intelligencer having lately attributed to the pen of Mr. Madison, a particular portion of the numbers which constitute the interesting work entitled "*The Federalist*," the editor of the Evening Post, in order to put the question at rest, adduces the following facts—"General Hamilton a day or two previous to his death, step-

ped into the office of his friend Judge Benson, then absent, and in the presence of his clerks left a paper in a book lying there, and departed. After his fall this paper was observed, and deposited by Judge Benson in the city library, with a certificate that it was the hand writing of A. Hamilton. The following is a copy: Nos. 2, 3, 4, 5, 50, Mr. Jay: Nos. 10, 14, 37, to 48, inclusive, Mr. Madison: Nos. 18, 19, and 20, Mr. Hamilton and Madison, jointly: all the rest by Mr. Hamilton."

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To the Editors of the National Intelligencer.

April 18, 1817.

When I penned my note of the 10th of March, which was published in your paper of the 19th, wherein I stated by whom the respective numbers of the Federalist were written, I did not anticipate any controversy concerning its contents: if I had, I certainly never would have given the facts to the world without permission. Unfortunately, from the turn the subject has taken, it is too late now to ask it, and I cannot suffer the "Answer" in the New York Evening Post, which a friend has recently sent to me, to pass in silence.

The author of the answer is correct in supposing that my note was written without the knowledge of Mr. Madison; indeed, I have no doubt that he never desired or expected to have the subject mentioned, and was surprised when he saw the publication.

After writing so many masterly pieces since the organization of the existing government, it is not possible to add to the full measure of his fame for exalted talents and patriotism, by proving incontrovertibly, that he wrote all those parts of the work in question which I have ascribed to him. No adequate motive could, therefore, exist for encountering the risk of any contradiction in relation to it.

The writer of the "Answer" is mistaken in supposing that I am hurt by the opinion advanced in the Repository that the numbers written by Mr. Hamilton are superior to the others; and I do not perceive the justice of the criticism he has indulged in. I have not called that opinion a misstatement of facts. My expression is, "the maintenance of his *opinions*, if erroneous, can do no other injury than to lessen the character of the Repository for fidelity and impartiality, and I should not have deemed it proper if the *facts* were not mis-stated, to take any notice of *them*." What is it, I ask, I would not have noticed? I answer his *opinions*, unless the facts on which they rest were mis-stated.

But it is not material to vindicate the style of my composition —its truth is more important to the public and to myself. I will proceed to state the proofs upon which I wrote the piece alluded to. Whilst Mr. Madison was secretary of state, a friend of his purchased at Washington city, Hopkins's edition of the Federalist, and, in a conversation with Mr. Madison relating to it, he requested him to furnish an index to the numbers for his private use. Mr. M. then gave him a pencilled memorandum of the numbers he had written, which was sealed in the first volume, where it now is, and from that pencilled memorandum, in the hand-writing of Mr. Madison, I copied the numbers into my note of the 10th ult.

If any corroboration of this proof were wanting, the numbers in question will furnish it. The New

York Evening Post says, Mr. M. wrote Nos. 37 to 48, inclusive, and that Mr. Hamilton wrote all the succeeding ones, except No. 54.

No. 47 commences with "The meaning of the maxim which requires a separation of the departments of power, examined and ascertained."

No. 48, "The same subject continued, with a view to the means of giving efficacy in practice to that maxim."

Nos. 49 and 50 continue and conclude the subject, with the same view.

No. 49 contains the following sentences: "The author of the 'Notes on the State of Virginia,' quoted in the last paper, has subjoined to that valuable work the draught of a constitution which had been prepared, in order to be laid before a convention expected to be called in 1783, by the legislature, for the establishment of a constitution for that commonwealth.—The plan, like every thing from the same pen, marks a turn of thinking, original, comprehensive and accurate; and is the more worthy of attention, as it equally displays a fervent attachment to republican government and an enlightened view of the dangerous propensities against which it ought to be guarded." Here are two material circumstances tending to designate Mr. Madison as the author of these numbers. First, they relate to the same point of inquiry which is illustrated by a reference to all the examples furnished by the history of other nations, and the constitutions of the several states composing our confederacy. The argument is pursued with a unity of design and execution, which renders it almost impossible, certainly altogether improbable, that it is the production of more than one person. Nos. 47 and 48, which it is admitted were written by Mr. Madison, enter into the marrow of the subject; and wherefore would he leave it unfinished, when more than half completed?

2d. The quotation from No. 49, goes far to prove that Mr. Madison wrote it. Mr. Jefferson is there referred to in terms of distinguished approbation.—None but a zealous friend would have expressed such an unqualified eulogium on him; and it is well known that Mr. M. has always manifested the most unbounded regard for that gentleman. Other inherent evidence might be adduced, but the labour would be an act of supererogation.

CORRECTOR.

CAUCUS.

Chamber of the House of Representatives of the United States.

March 16, 1816.

At a meeting of the Republican Members of Congress, assembled this evening pursuant to public notice, for the purpose of taking into consideration the propriety of recommending to the people of the United States suitable persons to be supported at the approaching election, for the offices of President and Vice-President of the United States, *one hundred and eighteen members of the Senate and House of Representatives, and one delegate*, attended.

General Samuel Smith, of Maryland, was called to the chair, and Colonel Richard M. Johnson, of Kentucky, appointed secretary.

And being so organized,

Mr. Clay submitted the following resolution:

Resolved, That it is inexpedient to make, in Caucus, any recommendation to the good people of

the United States, of persons, in the judgment of this meeting, fit and suitable to fill the offices of President and Vice-President of the United States.

And the question being taken thereon,

It was determined in the negative.

Mr. Taylor, of New York, then submitted the following resolution, to wit:

Resolved, That the practice of nominating candidates for the offices of President and Vice-President of the United States, by a convention of the Senators and Representatives in Congress, is inexpedient, and ought not to be continued.

And the question being taken thereon—

It was also determined in the negative.

The meeting then proceeded to the recommendation:

Upon which it appeared that the honourable James Monroe had sixty-five votes, and the honourable William H. Crawford fifty-four votes, for the office of President.

That his excellency Daniel D. Tompkins of New York had eighty-five votes, and his excellency Simon Snyder thirty votes, for the office of Vice-President.

And thereupon,

Mr. Clay submitted the following resolutions, which were concurred in without opposition:

Resolved, That this meeting do recommend to the people of the United States, James Monroe of Virginia, as a suitable person for the office of President of the United States, and Daniel D. Tompkins of New York, as a suitable person for the office of Vice-President of the United States, for the term of four years, commencing on the 4th day of March next.

Resolved, That the chairman and secretary be appointed to ascertain from the persons above mentioned, whether they are disposed to serve in the offices respectively designated.

Ordered, That the proceedings of the meeting be signed by the chairman and secretary, and published in the National Intelligencer.

S. SMITH, Chairman,
R. M. JOHNSON, Secretary.

HISTORICAL ACCURACY.

[The following account of the attack made by the British on Baltimore, during the late war, is extracted from the Edinburgh Annual Register for 1814, recently published in Great Britain. The historical part of that work is commonly attributed to one of the most eminent literary characters of England. He has grossly, we will not say wilfully, mistaken the facts of the case. We have subjoined to his statement, such of the *true* particulars as are wanting for its refutation. They are of perfect notoriety, and will be vouched for by a multitude of eye witnesses of unquestionable veracity.]

EDINBURGH ANNUAL REGISTER.

"The approach to Baltimore lies through a small peninsula, in some places scarce half a mile in breadth, across which the enemy had drawn an entrenchment.

"In a smart action which ensued, the British maintained their military superiority, and in less than fifteen minutes utterly broke and dispersed an army of about 6000 Americans, supported by artillery and cavalry, the enemy losing near 1000 in killed, wounded, and missing. But it was the fate of the successes obtained during the incursive war, to be followed by no important events. Baltimore was defended to the land by a chain of

fortified redoubts, connected by a breast-work, and occupied by about 15,000 men. Colonel Broke, nevertheless, resolved upon a night attack; but as the lives of the brave men which must necessarily have been lost in storming such formidable defences, could hardly have been compensated by any mischief which we might have done to the town of Baltimore, we cannot but hold it fortunate, that, owing to difficulties which occurred in the naval co-operation, he was induced to relinquish his purpose, and to re-embark his forces, after destroying a large rope-work, and other public buildings."

FACTS.

There was nothing round the town which could be called *a chain of fortified redoubts*, and this will be readily credited, when it is stated that not a spadeful of earth was thrown out, until after the disastrous business at Washington. This took place on the 24th August—Baltimore was invaded on the 12th September. The citizens turned out with great alacrity, and dug a ditch about eighteen inches deep and two feet wide, from the Basin to the York Road —the dirt of this ditch was thrown outwards, and thus one spadeful answered the purpose of two, compared with the regular construction of works—where the ditch is on the outside of the breast-work. This was *the chain;* a feeble one indeed, but it was the strongest which could be forged on such urgent and short notice. There were three positions on this chain occupied by the artillery—one on the high ground near the hospital; the second midway between that and the Philadelphia road; the third on some high ground to the right of that road. Such were the *redoubts*, and the artillery stationed in them were prepared with drag-ropes, or horses, to be moved to any part of the line at which they might be most wanted. In the ditch the infantry were stationed. After the enemy had abandoned their design on the city, a more regular work was constructed—much of which is still remaining.

An intrenchment was merely begun at a narrow part of the peninsula. Had it been completed, it would have served no good purpose, as it was easily to be enfiladed by the enemy's ships. Wm. Buchanan, the son of Mr. J. H. Buchanan, and two other young gentlemen, had been stationed as videttes, at the extreme end of the Point, the evening preceding the disembarkation of the enemy, which taking place before day-break, and in their rear, caught them in a cul de sac. This is what Col. Broke, the successor of Ross, calls the American rear-guard! He did however, get possession of two pieces of cannon—but one of them was a small swivel, kept by John Howard, Esq. on his farm at North Point, for the amusement of fishing parties, &c. On his farm they found it!!

Gen. Stricker posted his force at the meeting-house, head of Long-log-lane, the point at which the two roads leading from the city meet—six miles from town. He sent two companies of infantry, some riflemen, the cavalry and one piece of artillery, in advance. Gen. Ross was killed by this advanced corps, at the distance of about two miles in front of Stricker's main body.

The force under general Stricker amounted in all to 3185 men, not more than *one half* of whom were actually engaged with the enemy. According to the official returns, which are confirmed by

the personal knowledge of every inhabitant of Baltimore, the loss of the Americans on this occasion, in killed, wounded and missing, did not exceed two hundred and thirteen men.

LOUIS XVIII.

London, June 30.—Extract of a genuine letter from a French nobleman, dated Paris, May 6, 1816.

"The best answers I can give to questions about Louis XVIII. is to relate, as nearly as possible, his own remarks, at an audience with which I was honoured last week, after my return from an exile of 24 years. To my congratulations on his majesty's restoration, he said,

"My friend, I wear indeed the crown of my ancestors, but it is changed into a crown of thorns, the pangs of which are only known to, as they are only felt, by its unfortunate bearer. The most abused of my predecessors have been praised for some good traits, while I am blamed without mercy by every one, though it is the study of my life to do nothing but what my conscience approves as just and praiseworthy. If I select my counsellors among the revolutionists, because I think them best acquainted with the present state of France, I am reproached by the royalists with worse than ingratitude. If I appoint a royalist council, the revolutionists create an alarm, by accusing me of an intention to subvert the constitution. If I have a mixed ministry, as at present, their jealousy and disunion leave me no quiet; and to thwart each other, they display either an untimely severity or a dangerous weakness. Having a firm belief in the religion of my ancestors, I only do my duty in observing strictly its precepts; but having solemnly promised a religious toleration, I also leave all my subjects a full liberty of conscience. Well, the catholics therefore suspect me of infidelity, while the protestants represent me as a superstitious bigot.—Though I am unable to satisfy at once all the sufferers in my cause by the revolution, all are impatient for immediate reward; those whom I can remunerate blame me for not doing enough, while the other pretenders hold me out both as unjust and unfeeling. If I think any particular merit deserves particular distinction, favoritism is the general cry; while, when I disregard some unmerited claims, I am accused either of envy or ignorance, or neglect. My situation is not less unfortunate with regard to foreigners. Russia has one idea of governing France, England has another, Austria differs from both, and Prussia differs from the three other allies. When therefore I please one I am sure to displease the other, and I am equally tormented with their projects, and humbled by their menaces and pretensions. From Rome and Madrid I am reproached for not introducing religious intolerance; while I am libelled in England and America for not admitting democratic licentiousness under the name of liberty, and anti-social doctrines under the name of liberty of the press. If I punish a traitor, I am styled a merciless tyrant; if I pardon him I am ridiculed as a trembling imbecile. Had I pardoned the three Englishmen, other foreigners would have reproached me with partiality to England; while the French and English factions would have asserted, that fear and not clemency was my motive. Even in my own family, opinions are divided about

my public acts: some of my relatives seem to think that I sway too much like a successor of a revolutionary upstart; while on the other hand, the duke of O—— and his party appear discontented because I do not govern enough like a revolutionary usurper. After these lamentable facts, you cannot doubt of my sincerity when I affirm, that I long for the moment when my Creator will retake this my crown of thorns, by exchanging my throne in this palace of the Thuilleries, for my tomb in the abbey of St. Dennis."

"During the whole time his majesty thus condescended speaking to me, tears were in his eyes, and his whole countenance bespoke a grief which must have been so much the more poignant, as policy must generally require its concealment. I am convinced this good prince would never have reigned so long, had he not considered it as a duty Providence has imposed on him by his birth."

VISIT OF FERDINAND VII. TO THE GENERAL HOSPITAL OF MADRID.

Translated from the Madrid (official) Gazette, of 24th Feb. 1817.

The king our master, accompanied by his excellency the duke of Alagon, captain of the guards of his royal person presented himself at the General Hospital at 10 A. M. of Saturday 15th inst. He visited the pantry, kitchen, closet for the clothes, and apothecary's shop, examined the provisions, tasted the soup intended for the sick, and in continuation examined attentively the apartments of the patients whilst they were giving them their dinner; he asked after their health, and enquired of the physicians the nature of their diseases: he heard with graciousness the supplications of those who implored his clemency from the bed of suffering, and like a kind and benevolent father he consoled them, deigning to receive the memorials that were presented to him, and ordering that the verbal solicitations of others should be committed to writing. He extolled the neatness and cleanliness of the rooms, and the attention paid the patients.

His majesty in going to the apartment of St. Domingo, passed by the door of the dissecting room of the royal chair of practical medicine, where was Dr. Josef Blasquez, anatomical dissector, surgeon of the royal family, and of the hospitals, co-operating as far as possible in the great designs of his majesty suggested by the indefatigable zeal of the worthy director Dr. Ignacio Jauregui, and the professors Dr. Hilario Torres, and Dr. Antonio Hernandez, in educating the scholars of said royal establishment in historical and pathological anatomy, for which purpose he had dissected in a body the nervous system of both the animal and organic life. *His majesty desirous of examining the great work of God*, entered the apartment and surprized Blasquez, who immediately covered the cavity of the abdomen and breast, supposing with reason, that the sight of them would be repugnant to the sovereign, and only left exposed the brain, showing and explaining to his majesty the whole of its anatomy. *It did not escape the sagacity of the sovereign* that the body had been covered, and he ordered it to be laid bare, which Blasquez did with the more pleasure as he had prepared

it for former lectures. Beginning with the upper extremities of the breast and stomach, he pointed out the several parts as he had done with the head. He proceeded to the abdomen, and *with surprise and admiration the bystanders saw the great king* examine with the minutest attention the source, direction, and distribution of the diaphragmatic, hepatic, spermatic, &c. arteries, as far as the last division of the internal iliacs, likewise one of the two ureters, &c. &c.

In all this time, which might be about a half an hour, his majesty asked many questions, and made various observations from which it was supposed by those present, and by the dissector Blasquez, that the theory of anatomy was not unknown to his majesty, *a circumstance that excited the admiration of all, and of which there is not an example in history.*

His majesty had visited this hospital several times, and the public was edified not only by his charity to the poor, but by his devotion and piety on the days of the paschal communion of the sick;—when they saw him kneeling at the foot of the bed of the unfortunate sufferers whilst they received the sacrament, and succouring them with a generous charity after the conclusion of the pious ceremony. *But a fact of the nature of this anatomical examination should be transmitted to posterity;* it is the most evident proof of the desire of his majesty to promote the sciences, and particularly those which contribute to the alleviation of suffering humanity, and that all Spaniards may understand what the sovereign is who so felicitously governs them, it is made known to the public for their intelligence and satisfaction.

ADDRESS FROM THE CITY OF SALAMANCA TO FERDINAND THE VII. AND HIS NEW QUEEN.

From the Madrid (official) Gazette, of the 19th March, 1817.

The council of the city of Salamanca represented by Don Thomas Aparecio Santin, collector-general of ecclesiastical revenues, Don Josef de Cafranga, pensioner of the royal and distinguished order of Charles III. secretary of his majesty, charged with the execution of decrees, second officer in the secretary of state's office, and of the administration of grace and justice; the municipal authorities Viscount de Rivella, and Don Joseph de Pando, a gentleman of the same royal order, had the honour to be admitted on the 13th inst. to kiss the royal hand of their majesties and highnesses, and to felicitate them on their august alliance and the announced pregnancy of the queen; the address as follows:—

To the King;

Sire:—The legitimate succession of kings is the greatest support of monarchies, and the love of the people the best patrimony of princes. Thus it is, that even if your majesty were not the greatest king on earth by your vast and numerous dominions, all the nations would regard you as the most favoured by providence, since they have seen your majesty adored by his subjects, and the queen about to perpetuate the offspring of your majesty upon the throne of Spain. Our nation ought to sing hymns of thanks and praise to the All-Powerful for his merciful recollection of them in restoring the best of monarchs, and delivering them from the cruel yoke of *their own countrymen*, and of strangers, and *for rendering fruit-*

ful the beautiful vine which is to extend its robust roots over all the thrones of the world. The city of Salamanca which we have the honour to represent, the first to suffer the devastating scourge by which the tyrants took vengeance on their loyalty, their love, and the profound sighs which marked their grief, at the painful absence of your majesty; now full of joy at such prosperous events, blesses the designs and inscrutable decisions of the Most High; it felicitates your majesty in multiplied congratulations, announces the entire redemption of the Spanish people, prognosticates the resuscitation of those master works by which the Herreras, the Covarrubias, the Berruguetes, and other celebrated artists have rendered Salamanca illustrious: it sees abundance diffused over its fertile soil by the indefatigable arm of noble and pure agriculture, and by the industrious hand of an active commerce; resting on the heroic virtues which shine resplendently in your majesty and in the queen; it presages the happy events *which must transmit from age to age your august names as an example to sovereigns and a consolation to the people.*

To the Queen;

MADAM:—The city of Salamanca, in which the bold project of Columbus was first welcomed, saw, through the obscurity of future ages, the necessity of a new world for the defence and preservation of the most precious jewel of the house of Braganza;* and by one of those happy prognostications, the success of which is assured only by the progress of time, inspired the catholic kings with the desire of protecting an enterprize *whose principal result was to be the holy union of Ferdinand and Isabel,*† the best means for the mutual support of the two kingdoms. Her flattering predictions being now accomplished, Salamanca reposes in peace and joy; contented, she felicitates your majesty, &c. &c.

To the King's brother;

MOST SERENE SIR:—The city of Salamanca, in which there is scarcely to be found a family that has not sealed with the martyrdom of some one of its members its ancient and ardent loyalty to the sovereign house of Bourbon, when it saw your highness a prisoner to the worst of men, who dared to deprive us even of all hope of the return of your mild and pacific government; by one of those transformations so rare in history, found itself converted, from a city of learned men,‡ into an army of combatants: it deserted the altars of Apollo to rush in crowds to the temple of Mars. The satellites of the tyrant are not ignorant of it, and are enraged against Salamanca as if it was the only city destined to be the prey of their rapacity and violence.

When Salamanca confiding in its own impoverishment and the strength of the friendly armies, thought that it might be left to lament over its past misfortunes, it saw itself again assailed, sacked, and devastated.

But why relate such sad and la-

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* Meaning her majesty, and alluding to the flight of the house of Braganza to the Brazils.

† Meaning the *present* Ferdinand and Isabel.

‡ (Pueblo de sabios.)

mentable scenes in days of rejoicing, of joy and gladness, when the arm of the Omnipotent confounds the genius of ruin, consoles innocence, strengthens the throne of Spain, and binds it to perpetuity by ties as strong as indissoluble. We approach you with no other object, most serene Sir, than to make known to your highness, that your marriage with the most serene Dona Maria Francisco de Braganza, and the hopes entertained of its fruits, fill all Salamanca with joy, that this joy is no less constant than lively, and that we now congratulate your highness with transports of content, great as were those of the grief of the inhabitants at the captivity of your highness.

Their majesties and their highnesses manifested their satisfaction with the goodness, dignity, and sweetness which characterize them.

From the Gibraltar Gazette.

Extract of a letter from Messina, in Sicily, Dec. 14, 1816.—"We were all witnesses of an event which might have produced fatal consequences. On the 10th the communion cup, with the host, was plundered from the church of St. Auforne. The whole town was in movement; the people ordered the gates to be shut; neither coffee-house, nor shop, nor theatre were left open. The streets were crowded with processions, and the church-bells set a ringing. The populace obliged the old infirm archbishop to accompany the processions; he had, at last, the good fortune to escape in a convent. The people were absolutely furious; they passed through the city with torches, menaced to set fire to the houses of the unbelievers, and committed a thousand extravagancies which would have ended it is impossible to say where, if some of the municipality had not adroitly spread the report, that the communion cup, &c. had been found. The whole population exclaimed: *Nostro Signore si è trovato*, and returned to their own abodes. Some houses were pillaged, and some individuals ill-treated. The day after, when the falsity of the report was known, the people, who showed symptoms of wishing to recommence the preceding scenes, were restrained by the presence of the troops of the line, and the *campagnott* or militia, who had been prudently assembled. The processions, however, continue every day, nor do they dare to open the tribunals or shops, to work in the port, &c. Even the soldiers have covered their arms with crape."

"A letter from Messina, of a later date, announces, that the cup has been really found, and tranquillity entirely re-established."

NEW FRIGORIFIC POWDER.

Professor Leslie, whose philosophical labours and discoveries are well known to our readers, has lately made an important addition to his curious and beautiful discovery of artificial congelation. He had found by his early experiments, that decayed whinstone, or friable mould, reduced to a gross powder, and dried thoroughly, will exert a power of absorbing moisture scarcely inferior to that of sulphuric acid itself. But circumstances having lately drawn his attention to this subject, he caused some mouldering fragments of porphyritic trap, gathered from the

sides of the magnificent road now forming round the Calton-hill, to be pounded and dried carefully before the fire, in a bachelor's oven. This powder, being thrown into a wine decanter, fitted with a glass stopper, was afterwards carried to the college; and at a late lecture in the natural philosophy class (which he has been teaching this session in the absence of Professor Playfair in Italy) he showed the influence of its absorbing power on his hygrometer; which, inclosed within a small receiver of an air-pump, fell from 90 degrees to 32 degrees, the wetted bulb being consequently cooled about 60 degrees of Fahrenheit's scale. The Professor, therefore, proposed on the instant to employ the powder to freeze a small body of water. He poured the powder into a saucer about seven inches wide, and placed water in a shallow-cup of porous earthenware, three inches in diameter, at the height of half an inch above, and covered the whole with a low receiver. On exhausting this receiver till the gauge stood at 2-10ths of an inch, the water in a very few minutes ran into a cake of ice. With the same powder an hour afterwards he froze a large body of water in three minutes, and he will, no doubt, push these ingenious and interesting experiments much further.

It appears such earth will absorb the hundredth part of its weight of moisture, without having its power sensibly impaired, and is even capable of absorbing as much as the tenth part. It can hence be easily made to freeze the eighth part of its weight of water, and might even resume the process again. In hot countries the powder will, after each process, recover its power by drying in the sun. Ice may therefore be produced in the tropical climes, and even at sea, with very little trouble, and no sort of risk or inconvenience.

LONGEVITY.

The following circumstance may be interesting to those who inquire into the causes of longevity:

A gentleman of considerable research lately made a catalogue of near eight hundred persons who had attained a great age, and found their habits of life only to agree in one particular, namely, early rising in the morning. This confirms the well-known result of a similar inquiry made by one of our learned judges.

MAN WITH A HORN GROWING OUT OF HIS FOREHEAD.

From the Spanish.

Guanaxuato, (kingdom of Mexico) 21st February, 1817.—The phenomenon presented by the man of whom we here give a resemblance, is certainly one of the most singular which nature has produced, and has justly excited the attention of the inhabitants of this city. We reserve for another occasion, a description by learned physicians of this singular deformity of Pablo Rodriguez, and will confine ourselves now to a slight sketch, sufficient for the intelligence of the curious, and the explanation of the drawing.



Pablo Rodriguez, by trade a porter, and at present in the hospital of St. Andres of this city, has had for a long time the singular excrescences which are seen on the right side of his head. From a common base this tumour divides itself into three branches, which, hard and crooked. (particularly the principal one, which is about 12 inches in length) present the texture of a ram's horn, fluted lengthwise; a part of it being burnt, it exhaled a smell similar to that of horn. We are not able to say whether the excrescence is really of the nature of horn, but we will add that it does not adhere to the cranium, and that being cut transversely, it appears like the agglomeration of many membranes or callous scales, connected vertically.

The discovery and examination of this phenomenon, are attributable to accident. Rodriguez, who always kept this excrescence covered, was supposed to have a large wen, until a package of sugar fell upon his head, broke the largest branch of the tumour, and obliged him to present himself at the hospital. He is now there, and has been visited by many of the curious of this city and the neighbourhood.

(Note on the foregoing by Dr. C. Wistar, professor of anatomy in the University of Pennsylvania.)

The production of horny substances on the surface of the body, is not so surprising after reflection upon the subject, as it is upon the first view of it.

Most of these horns, as they are called, appear to consist of the same substance with the cuticle, and are analogous, in some respect, to those excrescences from it which are denominated *corns*. Notwithstanding the cuticle exists in the fœtus in utero, and therefore may be considered as an original part of the body, it appears nevertheless to be dependant upon the cutis vera; for it is reproduced by the skin, whenever it is destroyed.

The nails on our fingers, and the claws of other animals, have a strong resemblance to those horny substances.—These nails and claws are continuations of the cuticle, and supply its place in covering a part of the fingers and toes; and when the cuticle is separated from the cutis vera by putrefaction, they come off with it, and leave bare the parts they covered.

They also have the same chemical qualities with the cuticle. Like the cuticle, they are reproduced by the cutis, and seem dependant upon it for their growth. It is therefore probable that a particular condition of the portion of the cutis vera which is connected with these excrescences, occasions their formation, but the nature of this condition is unknown to us. The external cause which produces corns is completely ascertained, although we are ignorant of its modus operandi.

It is mechanical pressure, which, when confined to a small spot, produces excrescences with

a small base, like corns; and when applied so as to act upon a more extended surface, occasions a general thickening of the cuticle, such as takes place on the soles of the feet.

The portrait of a person who had a large excrescence of this kind, is to be seen at Mr. Peale's museum, in Philadelphia.

(See the French work—"Dictionnaire des Merveilles de la Nature," 1st vol. title "Conformations extraordinaires," for several curious instances of the same nature.)

CHARACTER *of the late* **ROBERT FULTON, Esq.** *from* **COLDEN'S** *life of that celebrated Engineer, read before the Literary and Historical Society of New York.*

We cannot think that it will be imputed to an undue partiality for our regretted associate, if we say that there cannot be found on the records of departed worth, the name of a person to whose individual exertions mankind are more indebted than they are to the late Robert Fulton. The combined efforts of philosophers and statesmen have improved the condition of man; but no individual has conferred more important benefits on his species than he whose memory now engages our attention.

When we have taken a view of what he has done, and bestowed some consideration on its effects, it will not appear that this praise is exaggerated, and we shall be obliged to acknowledge that though others may have been conducted in the paths of science by superior learning, and may have had a more dazzling career, the labours of no individual have been more honourable, meritorious, or practically useful.

The establishment of steam navigation will form an important epoch in the history of our species. —The name of the man who accomplished it will live to the remotest ages, if he be not robbed of the fame which is due to the employment of a superior genius, with surprising courage, industry, perseverance, and success.

Robert Fulton was born in the town of Little Britain, in the county of Lancaster, and state of Pennsylvsnia, in the year 1765; he was of a respectable though not opulent family. His father, Robert Fulton, was a native of Kilkenny, in Ireland. His mother was also of a respectable Irish family, by the name of Smith, established in Pennsylvania.

In his infancy he was put to school in Lancaster, in Pennsylvania, where he acquired the rudiments of a common English education.

His peculiar genius manifested itself at a very early age. In his childhood, all his hours of recreation were passed in the shops of mechanics, or in the employment of his pencil; and at this early period of his life he had no other desire for money than to supply himself with the necessary materials to indulge his taste for mechanism and drawing.

By the time he had attained the age of seventeen years, he became so much an artist with his pencil, as to derive emolument from painting portraits and landscapes, in Philadelphia, where he remained till he was about twenty-one. In this time he had made the acquaintance of our celebrated countryman Doctor Franklin, by whom he was much noticed.

Mr. Fulton throughout his

course as a mechanist and civil engineer, derived great advantage from his talent for drawing and painting. He was an elegant and accurate draftsman.

It is gratifying to find, that Mr. Fulton ever felt as an American. His long residence abroad did not enfeeble his attachment to his country. Thoughts of her prosperity and welfare were connected with all his projects; and those that he thought might be of advantage to her, he communicated with a promptness and disinterestedness which marked his desire to serve her.

Ardour and perseverance were characters of Mr. Fulton's mind; when he had conceived what he thought a practicable and beneficial project, he left no means untried, and spared no pains for its accomplishment.

It may be well to notice here, a matter not otherwise of importance, than as it serves to mark the pliancy of Mr. Fulton's mind, and the versatility of his genius. At a time when he was taking a step which, as he thought, would be decisive to the fate of nations, which put his life at risk, and might determine his own fortune, he amused himself with making sketches from the scenery of Holland, and representations of the manners, figures, and costume of the Hollanders; some of them are *broad* caricatures, which cannot but excite a smile. They are found in his port folio, and though in general they are but sketches, they show that they are from the hand of a master, guided by wit and genius.

Throughout the whole course of his experiments, no opposition or contradiction, no failure or disappointment, irritated, discouraged, or discomposed him. When his machines were broken or disordered, he, with the utmost calmness and composure, pointed out their defects or the causes of his disappointment. If an experiment failed, though it had cost him great pains and labour in the preparation; and although the failure was frequently, and obviously, owing to the awkwardness or unskilfulness of those who assisted him, his temper could not be disturbed; he would not hear the scoffs of some of the numerous bystanders, which were frequently expressed in whispers intended to reach his ear. Not a fretful or angry word ever escaped him, and after a disappointment he recommenced his preparations with the same ardour, and with the same calmness, with which he at first began. Even when his physical strength must have been exhausted by his corporeal exertions, and the excessive fatigue he would sometimes undergo through a sultry day, his spirits were never for a moment depressed. On these occasions he showed himself as much a moral as a mechanical philosopher.

We have all witnessed with what zeal Mr. Fulton bestowed his time, his talents, and his purse, for the promotion of the useful and the fine arts. One of the last acts of his life manifested this disposition. By his will, which was made but a few days before his death, he devised that, in certain events, his pictures, and one half of his property not otherwise disposed of, should go to an academy of fine arts, when such an academy should be established, at the place which may be the seat of the national government.

Mr. Fulton was about six feet high. His person was slender, but well proportioned, and well formed.—Nature had made him a gen-

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tleman, and bestowed upon him ease and gracefulness. He had too much good sense for the least affectation; and a modest confidence in his own worth and talents, gave him an unembarrassed deportment in all companies.—His features were strong, and of a manly beauty: he had large dark eyes, and a projecting brow, expressive of intelligence and thought: his temper was mild, and his disposition lively: he was fond of society, which he always enlivened by cheerful, cordial manners, and instructed or pleased by his sensible conversation:—He expressed himself with energy, fluency and correctness, and as he owed more to his own experience and reflections, than to books, his sentiments were often interesting from their originality.

In all his domestic and social relations he was zealous, kind, generous, liberal, and affectionate. He knew of no use for money but as it was subservient to charity, hospitality, and the sciences. But what was most conspicuous in his character, was his calm constancy, his industry, and that indefatigable patience and perseverance, which always enabled him to overcome difficulties.

He was decidedly a republican. The determination which he often avowed, that he never would accept an office, is an evidence of the disinterestedness of his politics; but his zeal for his opinions or party, did not extinguish his kindness for the merits of his opponents. Society will long remember and regret him; but he will be most lamented by those, by whom he was best known.

END OF VOLUME II.